

Notice of meeting and agenda

Planning Local Review Body (Panel 2)

10.00 am Wednesday, 1st December, 2021

Virtual Meeting - via Microsoft Teams

This is a public meeting and members of the public are welcome to watch the webcast live on the council's website.

Contacts

Email: natalie.le.couteur@edinburgh.gov.uk

1. Appointment of Convener

- 1.1 The Local Review Body is invited to appoint a Convener from its membership.

2. Order of Business

- 2.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

3. Declaration of Interests

- 3.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4. Minutes

- 4.1 Minute of the Local Review Body (Panel 2) –of 3 November 2021– 7 - 16
submitted for approval as a correct record

5. Local Review Body - Procedure

- 5.1 Note of the outline procedure for consideration of all Requests for Review 17 - 20

6. Requests for Review

- 6.1 4 Harbour Lane, Edinburgh – Internal alterations and enlargement of existing house – application no 21/01809/FUL. 21 - 72

(a) Decision Notice and Report of Handling

(b) Notice of Review and Supporting Documents

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents and a site inspection.

- 6.2 13 Corstorphine House Avenue, Edinburgh – Remove exiting timber 73 - 84

conservatory roof and windows from base walls and install new Chartwell Green uPVC windows and roof onto existing base walls - Application No: 21/04263/FUL.

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents and a site inspection.

6.3 28 Lanark Road West, Edinburgh - Extensions to form new bedrooms, ensuites, enhance front entrance. Attic reconfigured to form roof terrace, new bedrooms and bathroom - Application No: 21/03239/FUL 85 - 120

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

6.4 34 Craigmillar Castle Road, Edinburgh - Form rear extension to existing property– application no: 21/04363/FUL 121 - 128

- (a) Notice of Review and Supporting Documents

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

6.5 102 Gilmerton Dykes Crescent, Edinburgh - Erection of 2 storey extension to side of dwelling- application no: 21/02489/FUL 129 - 142

- (a) Decision Notice and Report of Handling

(b) Notice of Review and Supporting Documents

Note the applicant has requested that the review proceed on the basis of an assessment of the review documents only.

7. Extracts of Relevant Policies from the Edinburgh Local Development Plan

- 7.1 Extracts of Relevant Policies from the Edinburgh Local Development Plan for the above review cases
- [Local Development Plan Online](#)
- Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
- Edinburgh Local Development Plan Policy Des 2 (Co-ordinated Development)
- Edinburgh Local Development Plan Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features)
- Edinburgh Local Development Plan Policy Des 4 (Development Design – Impact on Setting)
- Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)
- Edinburgh Local Development Plan Policy Des 11 (A Tall Buildings – Skyline and Key Views)
- Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- Edinburgh Local Development Plan Policy Des 13 (Shopfronts)
- Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)

8. Non-Statutory Guidance

- 8.1 [Guidance for Householders](#)
- [Edinburgh Design Guidance](#)
- [Listed Buildings and Conservation Areas](#)

[Queensferry Conservation Area Character Appraisal](#)

[Corstorphine Conservation Area Character Appraisal](#)

Nick Smith

Service Director, Legal and Assurance

Committee Members

Councillor Chas Booth, Councillor Maureen Child, Councillor Hal Osler and Councillor Cameron Rose

Information about the Planning Local Review Body (Panel 2)

The City of Edinburgh Planning Local Review Body (LRB) has been established by the Council in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008. The LRB's remit is to determine any request for a review of a decision on a planning application submitted in terms of the Regulations. The LRB comprises a panel of five Councillors drawn from the eleven members of the Planning Committee. The LRB usually meets every two weeks, with the members rotating in two panels of five Councillors. This meeting of the LRB is being held virtually by Microsoft Teams.

Further information

Members of the LRB may appoint a substitute from the pool of trained members of the Planning Committee. No other member of the Council may substitute for a substantive member. Members appointing a substitute are asked to notify Committee Services (as detailed below) as soon as possible.

If you have any questions about the agenda or meeting arrangements, please contact Natalie Le Couteur, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, email natalie.le.couteur@edinburgh.gov.uk

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online Committee Library. Live and archived webcasts for this meeting and all main Council committees can be viewed online by going to the Council's Webcast Portal. Unless otherwise indicated on the agenda, no elected members of the Council, applicant, agent or other member of the public may address the meeting.

Webcasting of Council meetings

Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, you are consenting to being filmed and to the use and storage of those images and sound recordings and any information pertaining to you contained in them for web casting and training purposes and for the purpose of keeping historical records and making those records available to the public.

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If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services on 0131 529 4106 or committee.services@edinburgh.gov.uk.

Minutes

The City of Edinburgh Planning Local Review Body (Panel 1)

10.00am, Wednesday 3 November 2021

Present: Councillors Child, Dixon, Osler and Rose.

1. Appointment of Convener

Councillor Dixon was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 30 September 2021 as a correct record.

3. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

4. Request for Review – 1 Baird Gardens, Edinburgh

Details were submitted of a request for a review for refusal of planning permission to increase existing attic accommodation by constructing gable ends to existing hipped roof at 1 Baird Gardens, Edinburgh. Application number no 21/03745/FUL.

Assessment

At the meeting on 3 November 2021, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceeded on the basis of an assessment of the review documents and a request for a site visit.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were the drawings shown under the application reference number 21/03745/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
Guidance for Householders
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- That there was a request for a site visit, but that the LRB did not feel it was required.
- That a member required clarification to understand how the house would look, if the development proceeded.
- That the roof was being extended, and the main point of difference would be to the front where the roof took a linear form and on the east elevation, there would be a gable end onto the roof form and this would join with an extension, with an enlarged dormer to the rear.
- That there were doors or windows onto the side elevation onto Baird Avenue, and this made the gable less foreboding in appearance.
- That the applicant had made it clear the building was within its own grounds and that a member did not feel it was in violation of LDP policy des 12.
- That another member noted that there were no public objections and that it was not in a conservation area.
- That the proposal provided more space, improved the quality of the accommodation which was a significant consideration against the design arguments within the report of handling.
- That a member felt the site could be treated differently because of the corner nature of the site.
- That a member disagreed that the officer's recommendation should be overturned.
- That the applicant wished for the application to be determined by appeal.
- That another member was concerned about the principle view, which could be viewed from a distance, and while there was sympathy for the proposals, it was an application which they could not support.

Having taken all the above matters into consideration, although two of the members were in disagreement, the LRB determined that, the proposals were not contrary to Edinburgh Local Development Plan Policies Des 12 (Alterations and Extensions) as the design and form, the choice of materials and positioning were compatible with the

character of the existing building, it would not result in an unreasonable loss of privacy or natural light to neighbouring properties, would not be detrimental to neighbourhood amenity and character and any detriment to the quality of the design was marginal and was outweighed by the quality and the improvement in the functionality of the accommodation.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission.

Motion

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

- 1) The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it was not compatible with the character of the existing building and the neighbourhood character.
- 2) The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they were not compatible with the character of the existing building and would affect the neighbourhood character.

Moved by Councillor Osler, seconded by Councillor Main.

Amendment

To overturn the decision of the Chief Planning Officer and grant permission for the reason that:

The proposals were not contrary to Edinburgh Local Development Plan Policies Des 12 (Alterations and Extensions) as the design and form, the choice of materials and positioning were compatible with the character of the existing building, it would not result in an unreasonable loss of privacy or natural light to neighbouring properties, would not be detrimental to neighbourhood amenity and character and any detriment to the quality of the design was marginal and was outweighed by the quality and the improvement in the functionality of the accommodation.

- Moved by Councillor Rose, seconded by Councillor Dixon.

Voting

For the motion	-	2 votes
For the amendment	-	2 votes

For the Motion: Councillors Osler and Main.

(For the Amendment: Councillors Rose and Dixon.

There being no overall majority, and 2 members having voted for the Amendment and 2 members for the Motion, the Convenor gave his casting vote to keep the Amendment. The motion therefore fell.

Decision:

To overturn the decision of the Chief Planning Officer and to grant permission.

Reasons for Approval:

The proposals were not contrary to Edinburgh Local Development Plan Policies Des 12 (Alterations and Extensions) as the design and form, the choice of materials and positioning were compatible with the character of the existing building, it would not result in an unreasonable loss of privacy or natural light to neighbouring properties, would not be detrimental to neighbourhood amenity and character and any detriment to the quality of the design was marginal and was outweighed by the quality and the improvement in the functionality of the accommodation.

(References – Decision Notice, Report of Handling and Notice of Review, submitted)

5. Request for Review – 42 Broomhouse Bank, Edinburgh

Details were submitted of a request to convert part of the front garden into a monoblock driveway. Providing off-road parking and access to potential future electric vehicle charge point on the property at 42 Broomhouse Bank, Edinburgh. Application no. 21/04120/FUL.

Assessment

At the meeting on 3 November 2021, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling..

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions. The plans used to determine the application were 01-03, Scheme 1 being the drawings shown under the application reference number 21/04120/FUL on the Council's Planning and Building Standards Online Services.

The LRB agreed to accept the new information submitted on garden dimensions. The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
Guidance for Householders
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- That the plan indicated a public footpath and were there any road safety issues associated with the proposal.
- That the Monoblock did not impact on the public footpath.
- That the application site was not in a cul-de-sac.
- That there was a 78% figure shared for the area of the garden the proposed parking space occupied of the outside space and that there was also a 59% figure for the space the proposed parking space occupied. It was questioned how these figures related to the front garden and overall garden space.
- Clarification was sought on the percentages referred to in the report of handling relating to the area of garden ground that the monoblock would cover.
- That the monoblock area appeared to be more than 59% of the front garden.
- That the new information relating to the depth and width of the parking area, and the presentation photograph, alleviated concerns on the dimensions.
- That there was no consultation response from Transport.
- That the depth of the parking space was between 6.5 metres and 7.5 to the widest depth.
- That the proposals would remove the gate and fence to the garden.
- That there was only a marginal compliance with the proposals and that the Officer's judgement for refusal should be accepted and further to that there were concerns about the safety elements to the proposal.
- That concreting over a green space was not considered acceptable.
- That there was sympathy with the proposal, although there did appear to be sufficient space for parking on the street. The small area of trees and areas of pebbles which would remain would not provide adequate soak away for flooding purposes.
- That clarity was sought on crossing the footpath.
- That if there was not a 6-metre depth for the length of the proposed parking space this could interfere with pedestrians using the pavement as it may cause a vehicle to overhang or protrude onto the pavement, but this was not a concern as the dimensions of the proposed space were in excess of 6 metres.
- That the issue of the green space was not detailed in the report of handling as a reason for refusal.
- That the LRB were reviewing the appeal could give alternate reasons for refusal.
- That clarification was sought on the guidance to householders for loss of garden space, and that this could impact the character of the area.
- That the proposal was detrimental to the character of the area.
- That drive ins were not uncommon in the area, so it was questionable to refuse it on these grounds.
- That page 19 of the householder guidance for a parking space set out a threshold that maximum area requirements as 21 square metres or 25% of the total front garden, whichever was greater and this was a justifiable reason for refusal as the proposals exceeded this threshold.
- That the safety element was not something for which there could be a planning response and there was a recognition of potential conflict for this proposed parking space between pedestrians and motorists.

Having taken all the above matters into consideration and although there was some sympathy for the proposals, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision:

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal was contrary to policy Des 1 as it did not draw on the positive characteristics of the area. It represented overdevelopment of the site and failed to comply with the Edinburgh Design Guidance, particularly in terms of its height, impact on local views and its relationship with the wider surroundings.
2. The height and form of the proposal would not integrate well with its surroundings, was inappropriate in its context and would adversely impact on local views, contrary to policy Des 4 Development Design - Impact on Setting.
3. The provision of green space within the development did not meet requirements of policy Env Hou 3 Private Green Space in Housing Developments or the Edinburgh Design Guidance in terms of amount and quality of space provided for end users.

(References – Decision Notice, Report of Handling and Notice of Review, submitted)

6. Request for Review – 15 Minto Street, Edinburgh

Details were submitted of a request for a review for refusal of planning permission to form new hotel bedrooms in the rear grounds of 14 Minto Street. Application No. – 21/03281/FUL.

Assessment

At the meeting on 3 November 2021, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents and a request for a site visit.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application being the drawings shown under the application reference number 21/03281/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated.

The LRB in their deliberations on the matter, considered the following:

1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.

- LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.
- LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.
- LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.
- LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.
- LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.
- LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.
- LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.
- LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.
- LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.
- LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.
- LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.
- LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.
- LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.
- LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.
- LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

2) Relevant Non-Statutory Guidelines.

Guidance for Businesses

Listed Buildings and conservation Areas

Edinburgh design Guidance

- 3) The Blacket Conservation Area Character Appraisal
- 4) Managing Change in the Historic Environment: Boundaries
- 5) The procedure used to determine the application.
- 6) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- That clarification on the dimensions of the consented scheme as at on 23 April 2021 and the scheme which was presented for review.
- That this clarified that on this scheme, presented for review, this would be 1.4 metres higher than the previously granted scheme.
- That the proposals would involve digging into, and that there would be archaeological findings on site.
- Clarification was sought on the proximity to the existing hotel, and that this was considered a marginal change.
- That it was noted that transport wished for additional information relating to coach parking.
- That how ingress and egress of coaches onto the site would be managed was what transport were seeking clarify on, to ascertain whether the development would present a road safety issue.
- That the proposed extension would give 15 additional bedrooms.
- That the extension projected onto Blacket Avenue.
- That there were a number of violations in relation to the Local Development Plan, associated with the site.
- That there were no significant overlooking issues with the site.
- That clarification was sought on how prominent the development would be with the revised roofline.
- That there were good business reasons for permitting the scheme.
- That the proposals were within a conservation area.
- That there were places to locate coaches, however the issues associated with passenger drop off were temporary, relating to the temporary traffic restriction order.
- The increase in height in a conservation area was the biggest issue, and the approval in April 2021 was marginal.
- That there were 17 objections associated with the application and it was considered an intrusion too far into the conservation area.
- That the proprietors had a scheme with planning permission granted since April 2021.
- That the new proposed scheme was marginally closer to the hotel but this was not a significant matter.
- That the previously granted consent, was a borderline case.

Having taken all the above matters into consideration and although there was some sympathy for the proposals, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision:

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

The proposal would detract from the special architectural and historic interest of the listed building and harm its setting. It did not comply with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997, LDP policy Env 4 Listed Buildings (Alterations and Extensions), LDP Policy Env 3 (Listed Buildings - Setting). The proposal would not preserve the character of the conservation area and would not contribute positively to the character of the surrounding area. It was not of an appropriate scale, form and design by way of its scale and height. The proposal did not comply with policies Des 1 and Des 4 and did not conform with the relevant parts of the Edinburgh Design Guidance.

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Item 5.1

City of Edinburgh Planning Local Review Body (the LRB)

General

1. Each meeting of the LRB shall appoint a Convener. A quorum of a meeting of the LRB will be three members.
2. The Clerk will introduce and deal with statutory items (Order of Business and Declarations of Interest) and will introduce each request for review.
3. The LRB will normally invite the planning adviser to highlight the issues raised in the review.
4. The LRB will only accept new information where there are exceptional circumstances as to why it was not available at the time of the planning application. The LRB will formally decide whether this new information should be taken into account in the review.

The LRB may at any time ask questions of the planning adviser, the Clerk, or the legal adviser, if present.

5. Having considered the applicant's preference for the procedure to be used, and other information before it, the LRB shall decide how to proceed with the review.
6. If the LRB decides that it has sufficient information before it, it may proceed to consider the review using only the information circulated to it. The LRB may decide it has insufficient information at any stage prior to the formal decision being taken.
7. If the LRB decides that it does not have sufficient information before it, it will decide which one of, or combination of, the following procedures will be used:
 - further written submissions;
 - the holding of one or more hearing sessions; and/or
 - an accompanied or unaccompanied inspection of the land to which the review relates.
8. Whichever option the LRB selects, it shall comply with legislation set out in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations).

The LRB may hold a pre-examination meeting to decide upon the manner in which the review, or any part of it, is to be conducted.

If the LRB decides to seek further information, it will specify what further information is required in a written notice to be issued to the applicant, Chief Planning Officer and any interested parties. The content of any further submissions must be restricted to the matters specified in the written notice.

In determining the outcome of the review, the LRB will have regard to the requirements of paragraphs 11 and 12 below.

9. The LRB may adjourn any meeting to such time and date as it may then or later decide.

Considering the Request for Review

10. Unless material considerations indicate otherwise, the LRB's determination must be made in accordance with the development plan that is legally in force. Any un-adopted development plan does not have the same weight but will be a material consideration. The LRB is making a new decision on the application and must take the 'de novo' approach.
11. The LRB will:
 - Identify the relevant policies of the Development Plan and interpret any provisions relating to the proposal, for and against, and decide whether the proposal accords with the Development Plan;
 - identify all other material planning considerations relevant to the proposal and assess the weight to be given to these, for and against, and whether there are considerations of such weight as to indicate that the Development Plan should not be given priority;
 - take into account only those issues which are relevant planning considerations;
 - ensure that the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are assessed when the review relates to a listed building and/or conservation area; and
 - in coming to a determination, only review the information presented in the Notice of Review or that from further procedure.
12. The LRB will then determine the review. It may:
 - uphold the officer's determination;
 - uphold the officer's determination subject to amendments or additions to the reasons for refusal;
 - grant planning permission, in full or in part;
 - impose conditions, or vary conditions imposed in the original determination;
 - determine the review in cases of non-determination.

Procedure after determination

13. The Clerk will record the LRB's decision.
14. In every case, the LRB must give notice of the decision ("a decision notice") to the applicant. Every person who has made, and has not withdrawn, representations in respect of the review, will be notified of the location where a copy of the decision notice is available for inspection. Depending on the decision, the planning adviser may provide assistance with the framing of conditions of consent or with amended reasons for refusal.
15. The Decision Notice will comply with the requirements of regulation 22.
16. The decision of the LRB is final, subject to the right of the applicant to question the validity of the decision by making an application to the Court of Session. Such application must be made within 6 weeks of the date of the decision. The applicant will be advised of these and other rights by means of a Notice as specified in Schedule 2 to the regulations.

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AGL Architect Ltd.
Fao Alexander Lees.
32 Carseview
Bannockburn
Stirling
FK7 8LQ

Mr & Mrs Michael Fletcher.
4 Harbour Lane
South Queensferry
EH30 9PT

Decision date: 27 July 2021

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Internal alterations and enlargement of existing house.
At 4 Harbour Lane South Queensferry EH30 9PT

Application No: 21/01809/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 6 April 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

1. The proposed alterations to the roof and windows; including the proposed materials, design of the dormer window and change in pitch do not comply with non-statutory guidance and are not in keeping with character of the area or the building itself. The proposals are contrary to Local Development Plan Policy Des 12 (Alterations and Extensions).
2. The proposals alterations to the roof and the replacement of windows conflicts with Queensferry Character Appraisal and will have a detrimental impact on the character of the Conservation Area. The proposals are Contrary to Local Development Plan Policy Env 6 (Conservation Areas - Development).

3. The proposal does not identify and retain features worthy of retention and existing features are not incorporated or enhanced through the proposed design. The proposals are contrary to Local Development Plan Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features).

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-04, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal is contrary to Local Development Plan policies Des 3, Des 12 and Env 6. The proposal conflicts with the Queensferry Conservation Area Character Appraisal and also conflicts with non-statutory guidance. It is recommended the proposal is refused on this basis.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Christopher Sillick directly at christopher.sillick@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission
4 Harbour Lane, South Queensferry, EH30 9PT**

Proposal: Internal alterations and enlargement of existing house.

**Item – Local Delegated Decision
Application Number – 21/01809/FUL
Ward – B01 - Almond**

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The proposal is contrary to Local Development Plan policies Des 3, Des 12 and Env 6. The proposal conflicts with the Queensferry Conservation Area Character Appraisal and also conflicts with non-statutory guidance. It is recommended the proposal is refused on this basis.

SECTION A – Application Background

Site Description

The application site is a first floor flat set within a converted two storey dwelling. To site is partially visible from the Forth to the north, though some screening is provided by modern residential development. To the south of the site is a cluster of five listed buildings.

The application site is located within the Queensferry Conservation Area.

Description Of The Proposal

The proposals include the following;

Principal Elevation

- Change in roof pitch;
- Replacement of existing slate with Spanish slate;
- Formation of three new windows at first floor level;
- Replacement of upper floor timber framed windows with alu-clad double glazed units;

- Replacement of existing velux windows with three conservation style units.

Rear Elevation

- Replacement of existing dormer windows with new box dormer with slate cheeks, alu-clad window units and metal roofing.
- Alteration of roof pitch;
- Formation of new balcony with glass balustrade;
- Replacement of first floor windows with alu-clad double glazed units,

Relevant Site History

No relevant site history.

Consultation Engagement

Archaeologist

Publicity and Public Engagement

Date of Neighbour Notification: 14 April 2021

Date of Advertisement: 23 April 2021

Date of Site Notice: 20 April 2021

Number of Contributors: 1

Section B - Assessment

Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

Assessment

To address these determining issues, it needs to be considered whether:

- a) the proposals will adversely affect the character and appearance of the conservation area;
- b) the proposal will result in an unreasonable loss of neighbouring amenity;
- c) any impacts on equalities and human rights are acceptable; and
- d) any comments received are addressed.

a) Character and appearance of conservation area

Local Development Plan policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building and will not be detrimental to neighbourhood amenity and character.

LDP policy Des 3 states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Env 6 (Conservation Areas - Development) states that development within a conservation area or affecting its setting will be permitted where it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

The Queensferry Conservation Area Character Appraisal emphasises the importance of the use of traditional materials including; stone and harl, slate and pantiles, timber windows and doors. On materials, the Character Appraisal notes a significant level of uniformity is achieved from the use of local building materials, despite the considerable range of building styles. The predominant materials form a restricted palette of rubble and dressed sandstone, render and slate roofing. The Character Appraisal also notes the importance of the roofscape in the Conservation Area and the importance of traditional buildings on the shoreline.

The existing dwelling is characterised by the use of stone, Scottish slate and timber framed windows. Although the the roof has been modified through the formation of two dormer windows to the rear and velux windows on the principal elevation, the roof retains the traditional appearance of the original design. The proposal would result in a significant change to the existing roof and indeed to the building itself. The removal of slates to the rear of the building and the use of metal would be a modern intervention which is unprecedented in the area. The colour and texture of different roof covering materials make a substantial contribution to the character of a building. Many traditional roofing materials can also develop attractive long term weathering patterns. Alterations and repairs to roofs and their associated features should protect the character of the traditional buildings. The alteration of the roof pitch to the principal elevation and the significant increase in the extent of the dormer window coverage to the rear, along with the introduction of a new balcony would unbalance the property and unnecessarily replace a traditional roof. This conflicts with the Conservation Area Character Appraisal and would result in harm to the building itself.

The design of the dormer windows does not comply with design guidance set out in the Council's 'Guidance for Householders' which states that dormers in conservation areas will be acceptable when they are compatible with the building and the character of the surrounding area. Dormers should be of such a size that they do not dominate the form of the roof. If there are two or more dormers, their combined width should be less than 50% of the average width of the single roof plane on which they are located. In this instance the proposed dormer will cover more than 50% of the roof plane, the proposed dormer will dominate the roof plane and does not relate to the traditional appearance of the building or the design approach taken with other traditional buildings in the area. The proposed fenestration to the rear does not reflect the existing pattern and will further unbalance the appearance of the property.

The proposed replacement of existing timber framed windows with aluminium framed windows is also not supported. Guidance set out in the Council's 'Listed Buildings and Conservation Areas' document states that replacement windows and doors on all elevations of unlisted properties of a traditional design within conservation areas must match the original proportions, appearance, materials, and opening method. Appropriate timber sealed unit double glazing will normally be considered acceptable. As the application site is a top floor flat and the windows on the ground floor are to remain unchanged, the introduction of new alu-clad modern windows on the upper floors will further unbalance the appearance of the property.

Research undertaken by the applicant indicates that the application site used to be a windmill and that the dwelling that stands today was formed from a roofless shell. It is clear however, that in its design form and choice of materials the intention was for this building to mirror the surrounding traditional development which characterised the shore. The Planning Authority recognises that the elevations provided in support of this application are not true elevations in the sense that existing modern development to the north of the site provides some screening. However, the alterations to the rear will not be entirely screened and the alterations to the principal elevations will be entirely visible. However, it is also important to emphasise that Conservation Area character is not derived solely from what is visible. With regard to the Conservation Area Character Appraisal, the traditional elements of this building are worthy of retention, making a positive contribution to the Conservation Area.

It is clear that there are modern buildings surrounding the property which do not contribute positively to the Conservation Area. However, this does not justify further development which conflicts with the Local Development Plan and the Conservation Area Character Appraisal. Indeed, the surrounding modern development highlights the importance of retaining traditional development across the shoreline to prevent further erosion of the Conservation Area's character. The change to the roof in particular will result in damage to the building itself and will erode the remaining character of the shoreline.

The proposal is contrary to Local Development Plan policies Des 3, Des 12 and Env 6. The proposal conflicts with the Queensferry Conservation Area Character Appraisal and also conflicts with non-statutory guidance set out in *Guidance for Householders* and in the *Listed Buildings and Conservation Areas* guidance document. It is recommended the proposal is refused on this basis.

b) Residential Amenity

The proposals have been assessed against requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing and loss of daylight or sunlight.

c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

d) Public Comments

The application received one comment from the Architectural Heritage Society Scotland, objecting to the proposals.

Material Comments

- The application proposes the use of several different building materials that overwhelm the original traditional character of the building and diminish its material and design integrity; this is addressed in section 3.3a) of the report.
- New windows with the original proposed are not consistent with original design of the building in their proportions, style, and opening method; this is addressed in section 3.3a) of the report.
- The proposed change to the roof does not reflect or relate to any of the traditional roof types in the conservation area. The proposed roof design will have a detrimental impact on character of the building and negatively affects the roofscape of the conservation area; this is addressed in section 3.3a) of the report.

CONCLUSION

The proposal is contrary to Local Development Plan policies Des 3, Des 12 and Env 6. The proposal conflicts with the Queensferry Conservation Area Character Appraisal and also conflicts with non-statutory guidance. It is recommended the proposal is refused on this basis.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposed alterations to the roof and windows; including the proposed materials, design of the dormer window and change in pitch do not comply with non-statutory guidance and are not in keeping with character of the area or the building itself. The proposals are contrary to Local Development Plan Policy Des 12 (Alterations and Extensions).
2. The proposals alterations to the roof and the replacement of windows conflicts with Queensferry Character Appraisal and will have a detrimental impact on the character of the Conservation Area. The proposals are Contrary to Local Development Plan Policy Env 6 (Conservation Areas - Development).

3. The proposal does not identify and retain features worthy of retention and existing features are not incorporated or enhanced through the proposed design. The proposals are contrary to Local Development Plan Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features).

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 6 April 2021

Drawing Numbers/Scheme

01-04

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer
E-mail: christopher.sillick@edinburgh.gov.uk

Appendix 1

Consultations

NAME:

COMMENT:

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100487663-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	AGL Architect Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alexander	Building Name:	
Last Name: *	Lees	Building Number:	32
Telephone Number: *	07814139222	Address 1 (Street): *	Carseview
Extension Number:		Address 2:	Bannockburn
Mobile Number:		Town/City: *	Stirling
Fax Number:		Country: *	Stirlingshire
		Postcode: *	FK78LQ
Email Address: *	info@aglarchitect.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Michael"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="Fletcher"/>	Address 1 (Street): *	<input type="text" value="Harbour Lane"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="South Queensferry"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH30 9PT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="4 HARBOUR LANE"/>
Address 2:	<input type="text" value="QUEENSFERRY"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="SOUTH QUEENSFERRY"/>
Post Code:	<input type="text" value="EH30 9PT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="678445"/>	Easting	<input type="text" value="312931"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Internal alterations and enlargement of existing house. At 4 Harbour Lane South Queensferry EH30 9PT

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Our full statement is included in the LRB submission

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

LRB Statement - Parts 1 & 2 due to file size. Existing Plans & Elevations Proposed Plans & Elevations

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/01809/FUL

What date was the application submitted to the planning authority? *

06/04/2021

What date was the decision issued by the planning authority? *

27/07/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site visit important to assess visibility of proposals from vistas into site and to explore conservation area

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Alexander Lees

Declaration Date: 20/10/2021



Local Review Board Statement: 4 Harbour Lane,
South Queensferry

for Mr & Mrs M Fletcher

(Applicants)

1st October 2021

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STATEMENT IN SUPPORT OF THE APPEAL AGAINST THE DECISION OF THE CITY OF EDINBURGH COUNCIL TO REFUSE THE PLANNING APPLICATION FOR THE INTERNAL ALTERATIONS & ENLARGEMENT OF EXISTING HOUSE AT 4 HARBOUR LANE, SOUTH QUEENSFERRY. EH30 9PT

PLANNING REFERENCE: 21/01809/FUL

DECISION DATE: 27 July, 2021

1. Project Background

Page 38

- 1.1 The Applicants submitted a detailed planning application to Edinburgh City Council on 5th April 2021 to replace their leaking roof and internal alterations including a slight enlargement of their dwelling house. This application was refused on the 27th July 2021 with three reasons given for the decision. They are as follows:
 - 1.1.1 The proposed alterations to the roof and windows; including the proposed materials, design of the dormer window and change in pitch do not comply with non-statutory guidance and are not in keeping with the character of the area or the building itself. The proposals are contrary to Local Development Plan Policy Des 12 (Alterations and Extensions).
 - 1.1.2 The proposals for alterations to the roof and the replacement of windows conflicts with the Queensferry Character Appraisal and will have a detrimental impact on the character of the Conservation Area. The proposals are Contrary to Local Development Plan Policy Env 6 (Conservation Areas - Development).
 - 1.1.3 The proposal does not identify and retain features worthy of retention and existing features are not incorporated or enhanced through the proposed design. The proposals are contrary to Local Development Plan Policy Des 3 (Development Design).
- 1.2 Mr & Mrs Fletcher wish to appeal the decision to refuse their application. This statement is made in support of their appeal.

- 1.3 Communication from the Planning Authority, throughout the determination period, was limited and the Applicants were only advised of the decision to refuse the application late in the process. We (AGL Architect) requested that the planning officer enter into discussions to come to a mutually acceptable solution. However, this did not happen.
- 1.4 The Applicants and ourselves were frustrated that the Planning Authority determined this application without communication with either party, particularly given the references to subjective policies referred to in the refusal notice.
- 1.5 The Appellants submit that the subjective policies, referred to in the refusal notice, have prejudicially influenced the Planning Authority and wrongly harmed the planning application's chance of being approved.
- 1.6 When arranging to submit the application, the Applicants consulted with 28 of their immediate neighbours and invited comment and feedback to the proposals. All of those 28 neighbours were supportive and the Applicants are not aware of any of them raising concerns with the Planning Authority.

2. Site Analysis / Building Description

- 2.1 The Applicant's dwelling is located within a condensed urban plot within the Conservation Area of South Queensferry.
- 2.2 There are no open vistas into the site. However, the top floor of the dwelling provides direct sight to the Forth and the Forth bridges.
- 2.3 Access to the property is off a narrow pedestrian lane, called Harbour Lane, which connects the main road through the town with the old Harbour. The plot is in a confined space with no private external space or garden ground.
- 2.4 The property:
- (a) consists of a 2½ storey town house with stone walls and slate roof punctured by Velux windows on the town side and flat roofed dormer windows overlooking the Forth, and
 - (b) is split into 2 residences: a ground floor flat, owned by the neighbours and the first and attic floors, which make up the Applicant's property.
- 2.5 The property has always had "dormer" windows facing north. The original dormers were replaced with larger ones when the roof was rebuilt in the 70s. They have metal frames.
- 2.6 We have records of various internal and external works to the property over the years. The most recent being the works to divide the property into two residences and to convert the attic space into the current accommodation.
- 2.7 The Applicants' property currently has 3-bedrooms, with the sleeping and bathroom accommodation on the first floor and the kitchen and living area on the second floor to maximise use of the view during daylight hours.
- 2.8 The property is surrounded by buildings of various sizes and designs built at different times. The variation of building styles and materials in the immediate vicinity of the Applicants' property are mixed, some sympathetic to the area, others being more modern and not sympathetic to the area.
- 2.9 The Application was made because the roof is leaking and has structural problems. It has to be replaced.
- 2.10 Leaks on the north face are caused by water being pushed under the tiles with northern winds.

- 2.11 The Applicants obtained quotes from builders to fix this issue and to replace the current concrete gable end seals with a lead lining. These quotes came to in excess of £30,000, including work to replace dry rot and damaged timbers discovered in the roof.
- 2.12 The current roof line is not level, due to the past reuse of old timbers and woodworm damage. In time it will become unsound.
- 2.13 When adding insulation to the roof zone, the Applicants discovered both the roof and top floor joists have woodworm. Some is historic. Overall, the Applicants realise that the most economic solution is a complete removal of the roof structure and its replacement.
- 2.14 The Applicants are also keen to explore the use of renewables. Therefore, it would be both economic and sensible to strengthen and rebuild the roof structure at the same time as the works are carried out to solve the water leaks, dry rot and damaged timbers.
- 2.15 This will future-proof and protect the building for the next century. That investment brings a sharp focus on the long term utilisation of the old converted attic in today's world. Its character has changed substantially over the years since the original stone walls were constructed.
- 2.16 The Covid-19 lockdown confined the Applicants to a relatively small space for a long time, while a rising 2 year-old boy, mostly indoors. During the winter months there is minimal light down-stairs and mental health of any occupant of the residence calls for design changes so as to provide for better utilisation of the available space.
- 2.17 The Applicants' consideration of design options for internal changes included maximising the view by removing the restrictive dormers on the North pitch of the roof, providing for better open plan living spaces and more light to the lower floor. These changes provide a positive environment to support the family's wellbeing and mental health.
- 2.18 We have incorporated a number of design changes, with materials used in the Conservation Area, into our proposals for the Application.
- 2.19 Location of 4 Harbour Lane is circled in the photo below. The roof comprises a pitched roof with two flat roofed dormers to the north-facing pitch. It is within a condensed area of the Conservation Area and is not really visible from any of the surrounding streets because of the land contours in the area and other existing buildings.



3. The Application Proposal

- 3.1 The proposal includes:
- (a) replacing the existing roof structure to future proof the life of the whole building by making it weathertight,
 - (b) alteration to the internal layout of the house to suit modern living arrangements while,
 - (c) provide a fourth bedroom at the first floor level,
 - (d) open up the attic for open plan living, exploiting the views over the Forth by maximising the window space (instead of being viewed through small poorly constructed dormers),
 - (e) maximising the natural light to the first-floor.
- 3.2 Our designs progressed with a balancing act between structural implications and design solutions. These allow a significant amount of daylight into the lower floor level.
- 3.3 The materials specified were determined by the location of the house and its surrounding micro climate. These materials were chosen for durability reasons, given the wind and salt environment (not cost considerations).
- 3.4 Metal roofing, aluminium windows, slate roofing are all found in the SQ Conservation Area.
- 3.5 We will mention the proposed materials later in this report.
- 3.6 The current North and South elevations of the existing building are shown on the next two pages. **Note:** this portrayal of these elevations is not visible from any street location in the vicinity i.e. as a whole building or image of what is presented here¹.

¹ Other buildings and the ground elevations restrict a full view of these elevations.



NORTH ELEVATION



4. THE REASONS FOR REFUSAL AND THE APPLICANTS' COMMENTS ON THESE REASONS

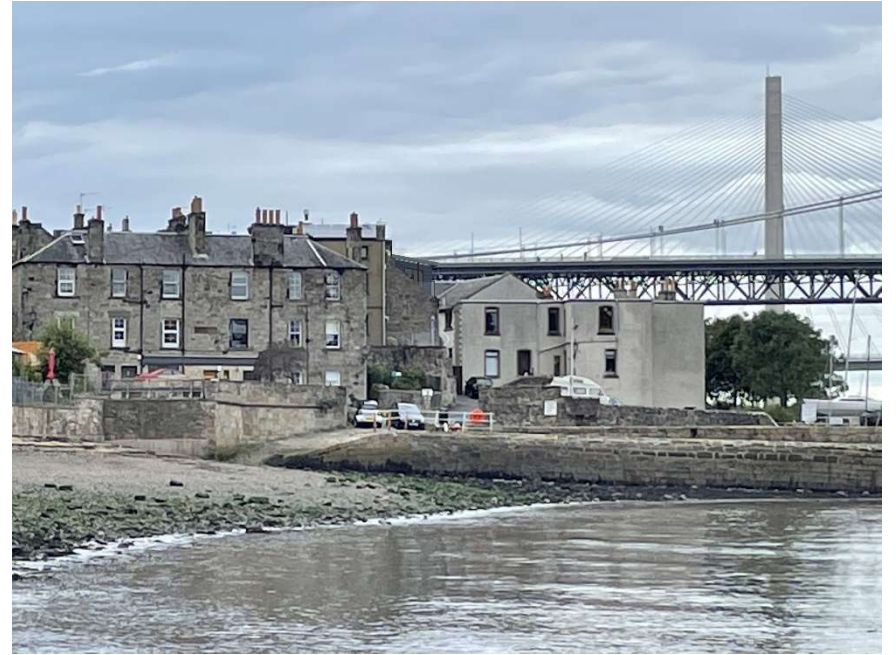
- 4.1 The planning application was refused with three reasons given for that decision, as set out in para 1.1 above.
- 4.2 It is now proposed to address each of these reasons to demonstrate why the Applicant's application can be approved without being in contravention of the quoted Local Plan Policies. Responses to Reason 1 start at para 4.6, Reason 2 at para 4.45 and Reason 3 at para 4.54.
- 4.3 In order to understand that the proposal enhances the character and appearance of the Conservation Area one should first assess the existing characteristics of the area.
- 4.4 The South Queensferry Conservation Area has a large mix of building designs and types, all of which have their own individual roof types.
- 4.5 In particular, there are a mixture of traditional dormers / storm dormers and more contemporary roof designs using the latest building technology. The Applicants' proposal provides a sympathetic contemporary approach to a traditional solution.
- 4.6 **Reason 1:** *The proposed alterations to the roof and windows; including the proposed materials, design of the dormer window and change in pitch do not comply with non-statutory guidance and are not in keeping with the character of the area or the building itself. The proposals are contrary to Local Development Plan Policy Des 12 (Alterations and Extensions).*
- 4.7 This reason is inconsistent with what anyone can currently see in the immediate proximity of the Applicants' building in South Queensferry.
- 4.8 The objective of the Applicants' proposed alterations, which have to proceed in some form, is to maximise the beneficial utilisation of the space including the benefits of the daylight and view available from the upper floor of the house.
- 4.9 Because this project has a significant cost and will have a long term impact on the future of the building, with a structural change to the roof structure for long term weather tightness, we have altered the roofline only as necessary and negated the need for a large dormer roof overlooking the Forth.
- 4.10 Researching the history of this building, the roof has always had north-facing windows protruding from the roof. The proposed elevations are "true" elevations in that they show the full elevation as a single aspect. The Applicants and AGL Architect would like to reinforce to the LRB that north-facing windows will never be seen as a full elevation due to the site constraints and only slim portions of the building which are visible.

4.11 The following photographs, are vistas into the location of 4 harbour Lane. Photo A is existing, Photo B is Proposed:

4.12 A



B



4.13 A



B





A



B

- 4.14 During the design process both AGL Architect and the Applicants carried out investigative work which discloses there is no consistent, uniform roof design within the town CA.
- 4.15 It is clear that the character of the CA has changed since the last appraisal update (2015) and the surrounding different types of roofscapes, alongside the "traditional" dual pitched roofs, have changed the character of the area.
- 4.16 Recent approvals have allowed asymmetrical roofs to be built within the Conservation Area.
- 4.17 Our design changes to the roof have been with a view to reflect the general character of the location and the needs of the Applicants' family requirements. While we appreciate there is a change in the appearance of the house roof (in absolute terms), the proposal fits in perfectly with the numerous unusual roof forms within South Queensferry.
- 4.18 The changes for the south-facing roof reflect the 2 and 3.5 story houses found on the high street, a common trait in South Queensferry, thus keeping in-line with the look and feel of other buildings in the area while maintaining the core stone structure of the building. Any "unbalanced look" to our elevations should be considered as common in South Queensferry.

- 4.19 We have found a number of large mansard roof types throughout the CA which allow additional accommodation. However, we believe that our proposal has less massing and impact on the CA. Other traditional builds in the area have had similar changes made to them, to incorporate the view. These includes changes to local restaurant fronts to include windows to view the Forth. (Appendix 3)
- 4.20 Off Gote Lane in Hillwood Place, a similar development has been done to make the most of the view, further along in the binks and down Shore Road Mansard roof designs have been used to provide views of the Forth. Houses on Station Road have altered roofs to include wide window roof balconies which we imagine have been permitted to allow for a view of the Forth bridges². (Appendix 4)
- 4.21 When going through the design process for the changes to this property the diversity of local roofs was considered and a large gable end dormer roof design was obviously unsympathetic.
- 4.22 The final design consideration was to match other 2.5 story buildings and retain a slate roof (as this was considered to be more reflective of the local architecture) from the most visible angle off Harbour Lane while, on the North elevation, we lowered the pitch to maximise the vertical glazing along the wall head.
- 4.23 AGL Architect consider the asymmetrical design of the roof does not have a significant effect on the area as it is hidden by neighbouring buildings. The incorporation of the balcony on the East gable of the roof helps reduce the visible impact from the East and allows for the design to blend in with the house and surroundings.

² <https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=HN5OQZEWU1000>

4.24 Below are examples of asymmetrical roofs:

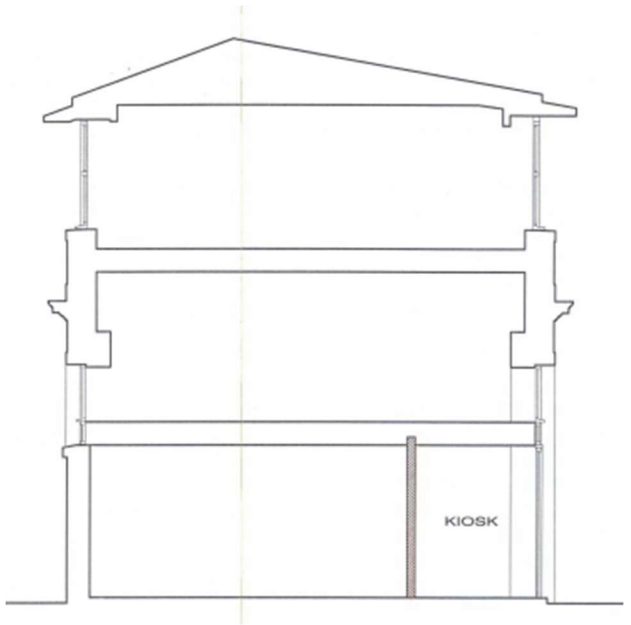


Bellstane.



Rear of 56 High Street.

Page 51



Station Masters House.



11/13 The Loan.

4.25 Our investigation has shown that the roofscapes of the Conservation Area are varied. This is also reinforced by the text found in the Conservation Area Charter 2001 & 2016:

The architectural form and character of Queensferry is rich and varied with many fine historic buildings dating from its origins as a medieval burgh and following through several periods including Georgian and Victorian, to the present day. The materials are traditional: stone and harl, slate and pantiles, timber windows and doors. The roofscape is important with its variations in form and features, such as crow-step gables, a variety of dormer styles and chimneys with cans. The shoreline setting embraces the riverfront buildings and the historic settlement is framed within the Victorian rail bridge and the 1960's road bridge

Materials

- 4.26 The proposed materials were specified for two reasons:
- (a) to suit the construction requirements of the finishes, and
 - (b) to provide durability within the marine environment.

- 4.27 The AGL Architect interpretation of this Conservation Area appraisal is more in line with how the materials impacts the local views and topography of Queensferry

“Views down from the rail and road bridges and from pathways at the upper levels of Back Braes and Ravel Bank provide panoramas of the town’s picturesque roofscape against the backdrop of the Firth.” This commentary relates to the views looking north where 4 Harbour Lane is hidden from view.

- 4.28 This interpretation is formed by local knowledge that “metal” and flat roofs have been constructed recently in the Conservation Area, for example a similar material has been used off Stoneycroft Road³. The assumption being that if the roof material or building is not identifiable visible in the forestated view then there is discretion for a more robust material to match the sea weather this building is exposed to.
- 4.29 You will note that 4 Harbour Lane is substantially hidden by the neighbouring buildings and thus the north face mentioned is not visible in the “towns picturesque roofscape”.

³ <https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=MWM91XEWLO000>

- 4.30 We advised the Planning Authority that we would be willing to explore traditional materials, however as designers, we need to keep in mind the future maintenance and access to such areas as roofs and working at height. The choice of material was for durability and weathering, of which aluminium is far superior and can be colour matched to look like wood. At the distance which it will be viewed, the window frame would be indistinguishable to timber and thus a valid reason to not use wood. Also, while the guideline is in place, the majority of “replacement windows in the area are in fact upvc. There is a similar design in the Conservation Area, on “the Craigs” behind 23 Edinburgh Road⁴, that has done something similar and has aluminium framed windows.
- 4.31 North facing Aluminium frames have been approved for use in the Conservation Area as recently as 31st December 2020⁵.
- 4.32 The choice of the proposed materials is also based on the fact that, due to the roof height from ground level, the windows would not be readily visible. We calculated that this minor variation to the non-statutory guidance for householders, would be accepted in this specific case as the existing windows are single glazed aluminium. This is similar to another recently approved planning permission for replacement windows in the area.
- 4.33 The use of **metal**, in the South Queensferry Conservation area, is more prevalent than indicated by the response, which could suggest that the documentation used for assessment is outdated or planners are retrospectively trying to enforce an old ideal.
- 4.34 There are three factors that contribute to this:
- (a) precedence of metal roofs in the SQF Conservation Area,
 - (b) current general use of metal, and
 - (c) willingness to approve “replica” metal materials.
- 4.35 The Applicants property already has significant use of metal as part of its existing structure, including **metal** framing in the existing dormers.
- 4.36 In revisiting the use of metal, through guaranteed applications in the SQF Conservation area, it would be negligent not to ask the question of how many instances of use are required before this material is no longer considered alien? There have been a number of developments with metal roofing being approved, therefore there is a contradiction here.
- 4.37 There are three buildings, in South Queensferry, that have metal roofs. Each of these have been approved and built at different times over the last 20 plus years. These are:

⁴ <https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=LBM4ZTEW01U00>

⁵ <https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QJVQBKEWLFW00>

(a) Stations Masters office - Turn of the century this is also a listed building cat B (two photos below)



(b) 4A Stoneycroft Road - New build approved in 2015 (photo below)⁶



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⁶ <https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=MWM91XEWLO000>

(c) 4 Newhalls Road - Unknown when the work in this photo was done



- 4.38 In addition to these sites, when looking at buildings, in the Conservation area, **metal** is commonly used for roof ridges, fascia, gable ends and dormer sides. This is particularly noticeable when compared with a new build area like Kirkliston which looks to be more “metal free” than the South Queensferry Conservation Area.
- 4.39 The below garage on Station Road, was approved in 2007⁷



⁷ <https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=JVPTABEW7N000>

- 4.40 Replica **metal** has been approved a number of times over the last 5 years and it is noticeable that the low angle roofs use a membrane roof colour matched to metal. Which would suggest that the concept of “metal” is not foreign but encouraged as long as it is not actually metal! Is this not contradictory behaviour?⁸
- 4.41 An example of this is Harbour Head, which has a flat roof coloured light grey to replicate a **metal /lead** roof.
- 4.42 We have proposed **Aluminium** windows as a preference for longevity, colour matched. While the Applicants are willing to match the existing UPVC window frames in the body of the house (if required as a condition of approval), the preference for the North face is to use a colour match composite frame for both wear and sound proofing. **Aluminium** frames have been used in the Conservation Area for north-facing windows - see 13 Edinburgh Road property⁹ and photos below of highstreet



- 4.43 5 Station Road recently had aluminium frames approved as from 31st December 2020¹⁰.

⁸ <https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=P0FEW2EWMW300>
<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QJVQBKEWLFW00> <https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PGS89HEWMB400>
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⁹ <https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=JQQ678EWW1000>

¹⁰ <https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QJVQBKEWLFW00>

- 4.44 Velux windows and light wells are commonplace throughout the Conservation Area, these use aluminium frames and are at a similar height to the proposed use of aluminium frames for this application at 4 Harbour Lane (See Appendix 4 for examples).
- 4.45 **Reason 2:** *The proposals for alterations to the roof and the replacement of windows conflicts with the Queensferry Character Appraisal and will have a detrimental impact on the character of the Conservation Area. The proposals are Contrary to Local Development Plan Policy Env 6 (Conservation Areas - Development).*
- 4.46 While investigating the history of 4 Harbour Lane we have found, from discussions with locals, that the building's current dormers are different to the original dormers. The current house was rebuilt from a roofless stone wall shell (Appendix 2).
- 4.47 Therefore, the proposed adjustments to the roof could be considered as modernisation of the rebuild and keeps the existing characteristics and features worth retention - including the stone walls and view of the harbour.
- 4.48 The existing roof line is not the same as when the structure was originally built so cannot represent an amendment to the history of the building itself – more a progression of the building's form.
- 4.49 The Conservation Area guidance states **“Buildings dating from the 17th to mid-20th century reflect gradual evolution.”**
- 4.50 The evolution of sea fronted buildings, to maximise views, is a natural progression for any seaside town anywhere in the world. (See Oroco pier example in Appendix 3)
- 4.51 It is our understanding that conservation planning guidelines have been created by the Scottish Executive to support and guide positive development in a Conservation Area and do not have to replicate the surrounding areas.
- 4.52 The Applicants' proposals for this application are positive and we submit they fit in with the variety of roof designs within the CA. We appreciate this can come down to personal interpretation, so we invite an objective assessment based on what is now already occurring in the South Queensferry Conservation Area.
- 4.53 **Reason 3:** *The proposal does not identify and retain features worthy of retention and existing features are not incorporated or enhanced through the proposed design. The proposals are contrary to Local Development Plan Policy Des 3 (Development Design).*
- 4.54 The roofscape in this area has always accommodated dormer windows therefore history is being preserved and enhanced by the previous rebuild and again by the Applicants' current proposals (Appendix 2a and 2b).

- 4.55 The Queensferry Character Appraisal document is not intended to give prescriptive instructions on what designs or styles will be acceptable in the area. Instead, it is used to ensure that the design of an alteration or addition is based on an informed interpretation of context.
- 4.56 For this Application the context of the building, with north-facing elements set off each gable, has not changed.
- 4.57 With reference to Local Development Plan policy Des 3, the proposed alterations to the Applicants building will have a positive impact on its setting, having regard to the positioning of the building on the site, its height, scale and form, materials and detailing, wider townscape and landscape impacts and impacts on views. The roof rebuild design has minimised the impact of height on site using a balcony to transition the changes scale at close proximity and the natural position of the site does this at mid/long distances, at which the changes would not be visible to the human eye, due to the site lines involved and how the building is nestled in amongst surrounding building

5. Conclusion

- 5.1 The Applicants submit that their proposals are positive and fit in well with the local area. They have discussed the proposals with 28 of their immediate neighbours with positive support.
- 5.2 In submitting this Application, we have been transparent and encouraged collaboration between AGL Architect and policy managers to find common ground in areas where there is room for interpretation within the guidelines.
- 5.3 The Conservation Planning Guidelines have been created by the Scottish Executive to support and guide positive development in a Conservation Area and do not have to slavishly replicate the surrounding areas. They are not intended to give prescriptive instruction on what designs or styles will be acceptable in the area. That is evident from the current look and feel of the area now.
- 5.4 Instead, the Conservation Planning Guidelines can be used to ensure that the design of an alteration or addition is based on an informed interpretation of context.
- 5.5 Contrary to both the Scottish Executive and the Conservation Area guidance documentation, planning has used these documents as prescriptive instructions to decline the proposal without engagement or consultation.

- 5.6 Whilst there were three specific reasons for refusing the application, interpretation of subjective policies together with hiding behind the idea of protecting the character of the Conservation Area seem to be the dominant consideration.
- 5.7 Having established that:
- the character is not of a singular, uniform design, scale, mass or use of materials, and
 - the traditional historic protection is no longer the most significant consideration,
- we have sought to demonstrate why the proposals will not have the adverse effect contemplated by the Planning Authority.
- 5.8 As the Appellant, the Applicants have established that, by adding a high-quality architectural design to this mix of buildings, the alteration proposals will enhance the Conservation Area as a whole and its character.
- 5.9 You have been presented with examples of other buildings in the area which have gained planning approvals, including in particular a decision earlier this year to approve aluminium window frames. These support a reasonable and appropriate development for the area for the reasons advanced in this submission and you are asked to find that the current refusal of the Application is inappropriate.
- 5.10 The changes proposed by this Application are necessarily required, as the roof is leaking and has structural problems. It has to be replaced soon.
- 5.11 Covid-19 and the need for isolation during a pandemic, has exposed the critical necessity for a living environment which enhances mental health and wellbeing. The design for the renovation of this property, now in use as a residence with no “outside play areas”, is intended to meet this need in our modern world.
- 5.12 Mr & Mrs Fletcher ask that the Local Review Body overturn the decision of the Planning Officer and grant permission for the alterations to their residence as set out in their application, supported by the reasons set out in this submission. The Applicants will discuss future revisions to the proposals with the Planning Authority, should this be necessary, as they were willing to do (if the opportunity had been made available) when the proposals were lodged for approval.

Refer Appendices 1 to 4 attached

Appendix 1

Dalmany station historic photos:

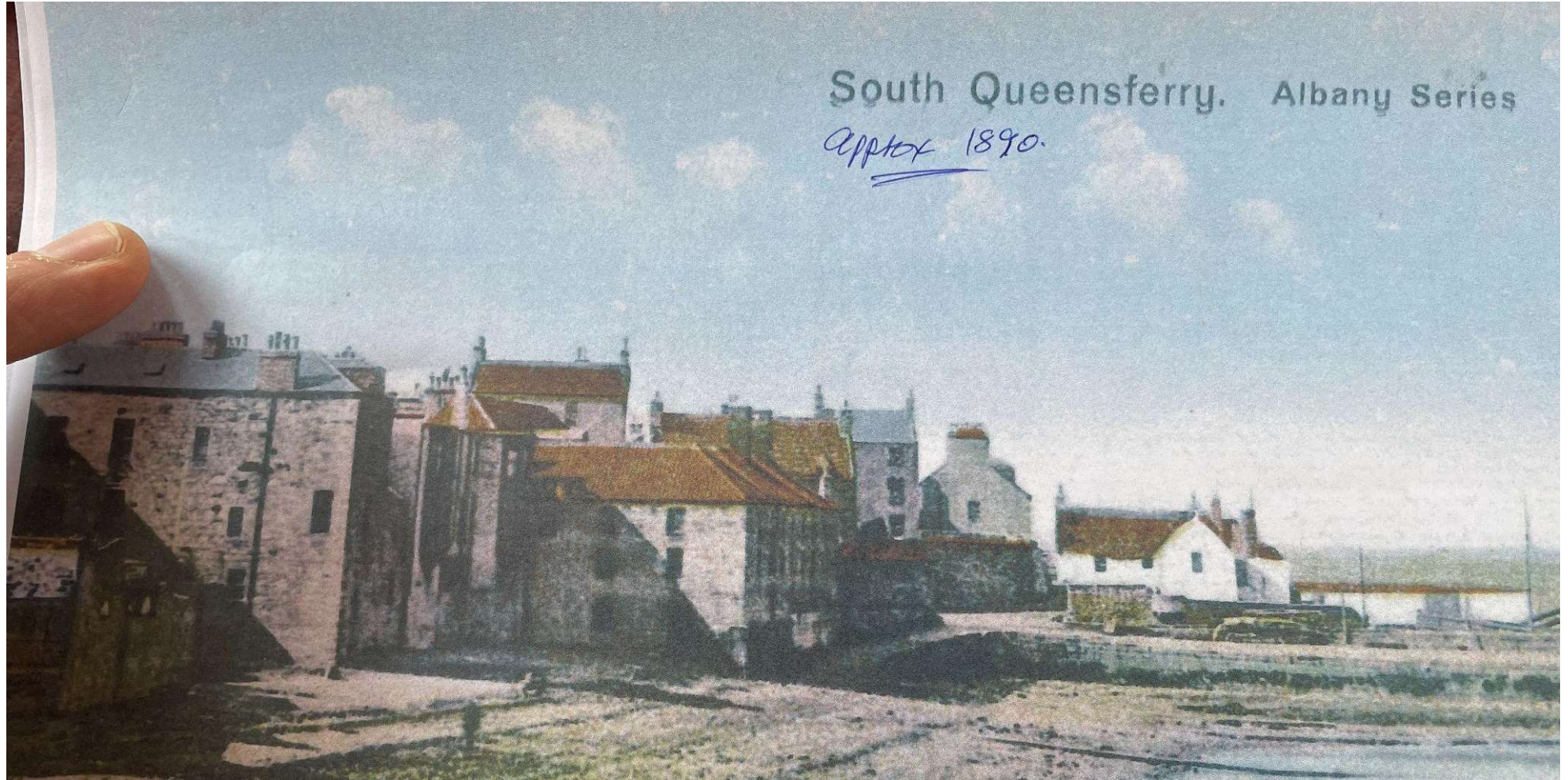


© Crown Copyright: HES (List C Survey)

Description Dalmany Station View of office from West.

Date 1975 to 1976

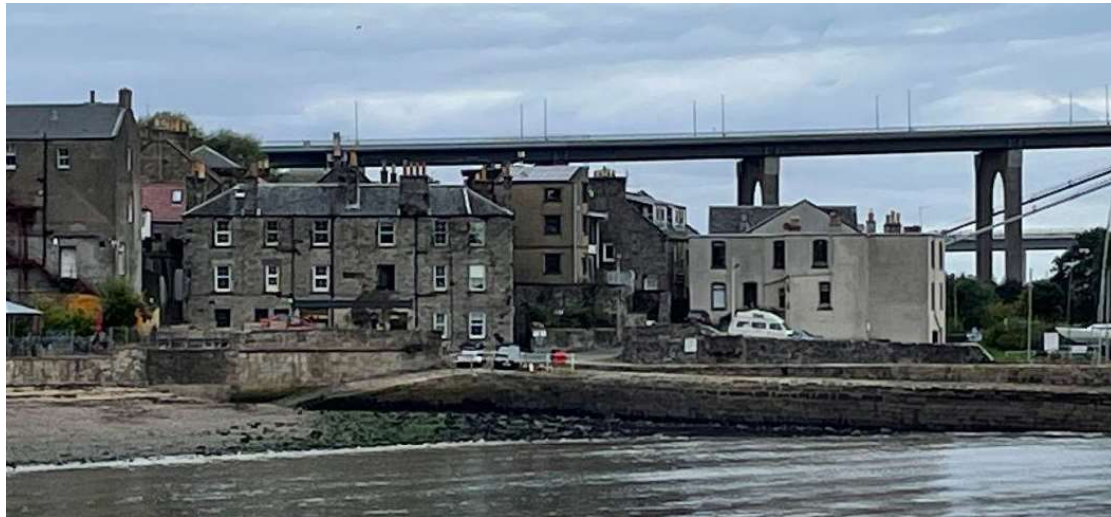
Collection List C Survey



Appendix 2b Harbour lane 1940 - <https://canmore.org.uk/collection/1312837>



Appendix 2c Harbour Lane 2021



Appendix 3: Windows added for view

Orocco Pier 2007



2021



Appendix 4:

Gote Lane



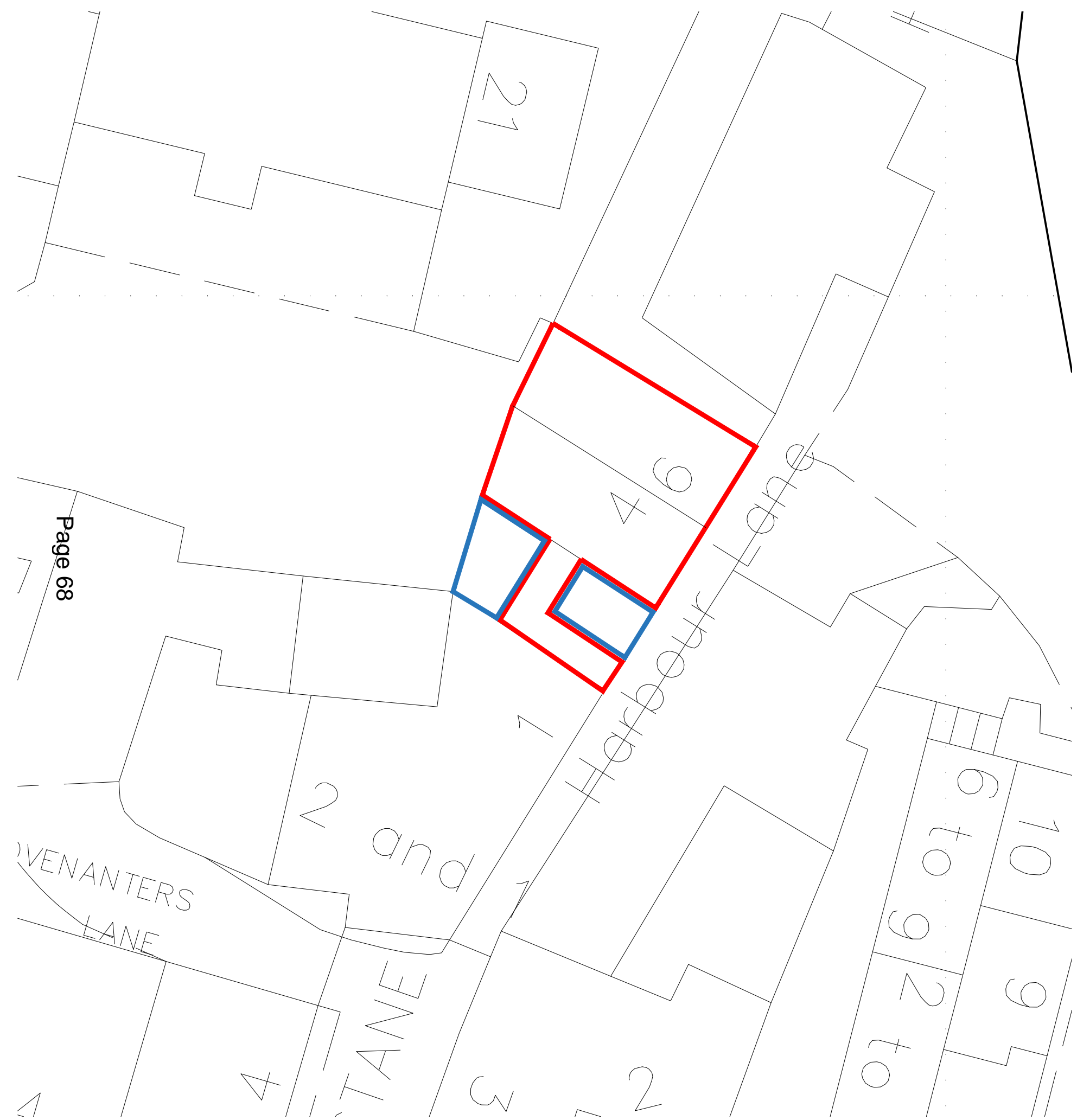
Harbour Head



Page 67

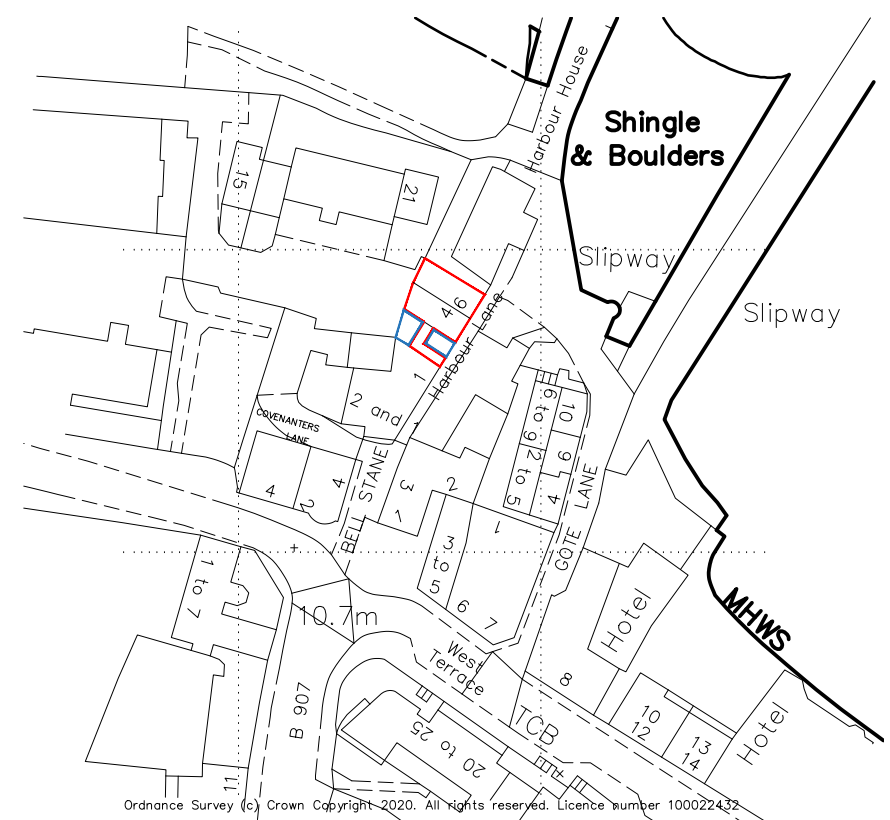
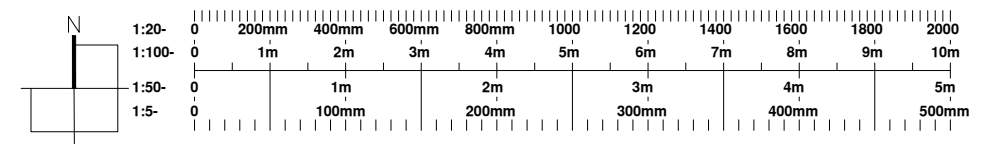
Binks





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BLOCK PLAN SCALE 1:200



LOCATION PLAN SCALE 1:1250

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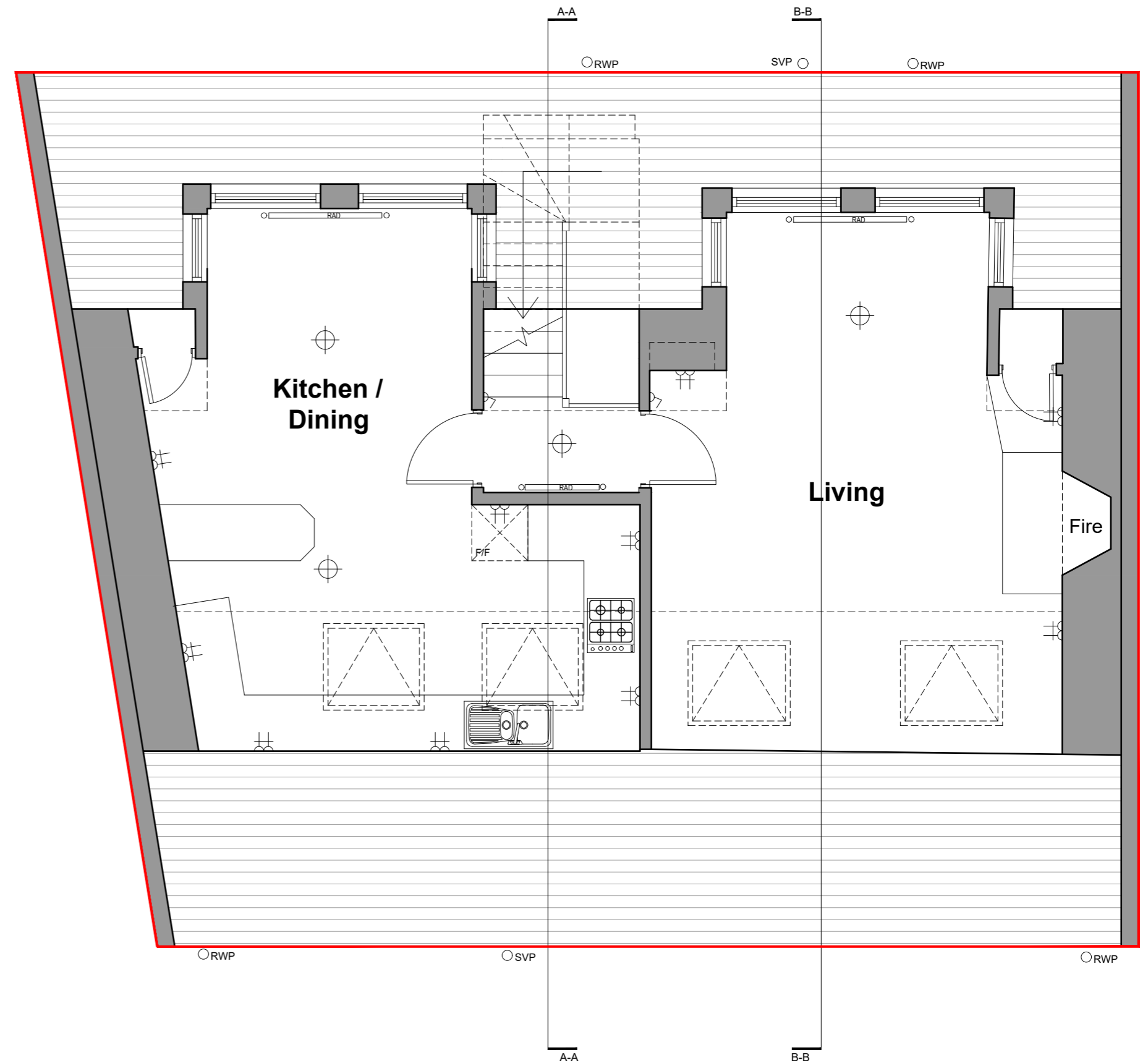
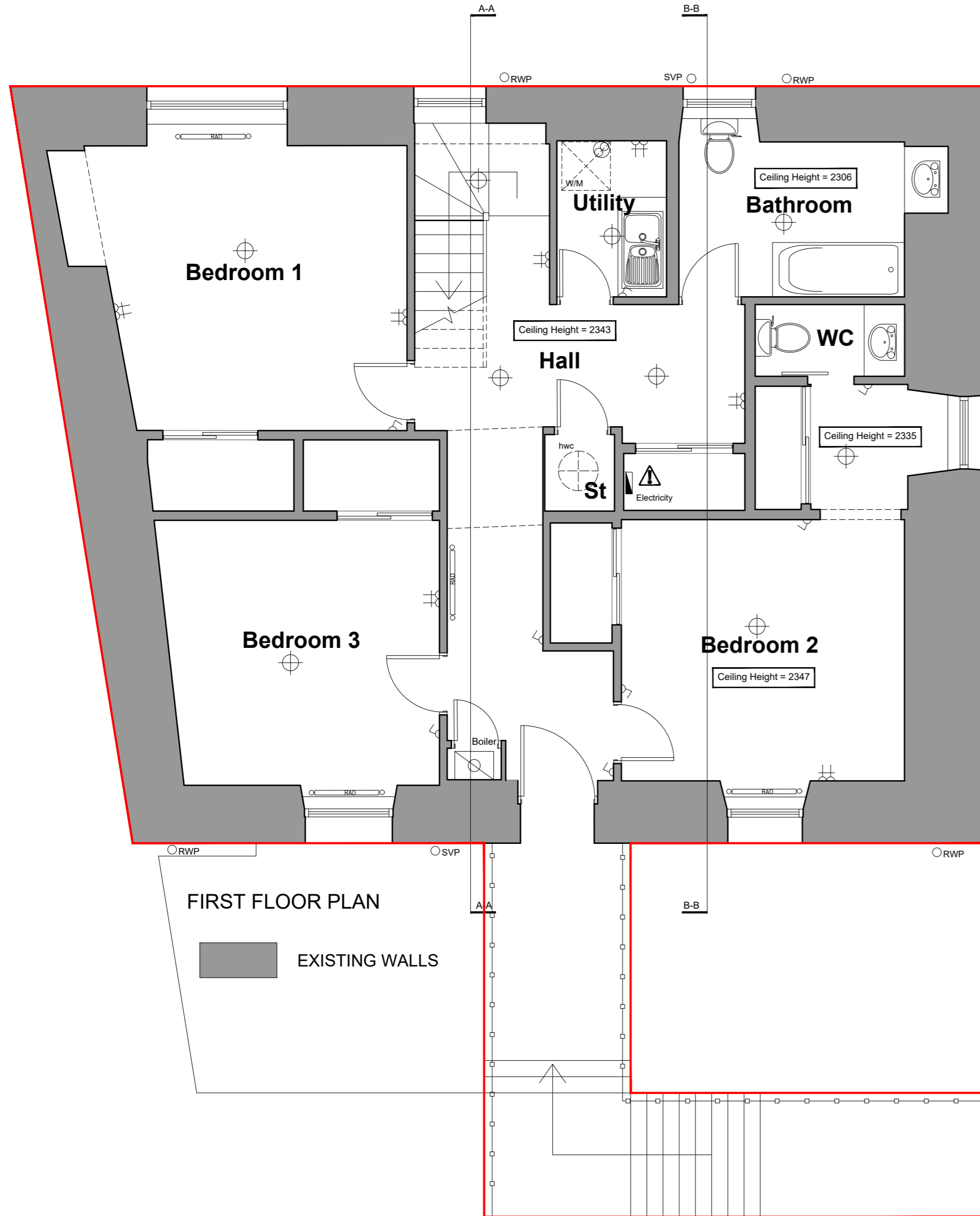
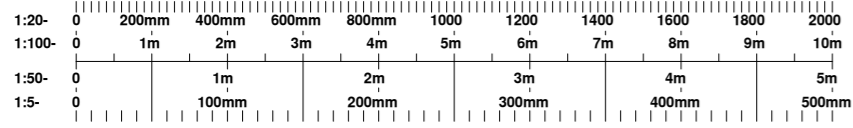
32 Carseview
Bannockburn
Stirling
FK7 8LQ

Tel: 01786 811533. Mob: 07814 139 222
E-mail: info@aglarchitect.co.uk Web: www.aglarchitect.co.uk

MR & MRS M FLETCHER

PROPOSED INTERNAL ALTERATIONS
4 Harbour Lane,
South Queensferry

SCALE		DATE	DRAWN	STATUS
ASW NOTED @ A3		16.08.18	AGL	EXISTING
Proj no.	18-133	Dwg no.	100	REV
				-



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ELECTRICAL LEGEND

	LIGHT SWITCH
	PENDANT LIGHT FITTING
	TWIN 13A SOCKET POINT-LOW LEVEL
	TWIN 13A SOCKET POINT-HIGH LEVEL
	MECHANICAL EXTRACTOR FAN
	SMOKE DETECTOR (CEILING MOUNTED)

EXISTING CONSTRUCTION - HOUSE

EXISTING HOUSE CONSTRUCTION COMPRISES:

TIMBER FLOOR.

SOLID MASONRY / TRADITIONAL CAVITY WALLS.

ROOF COMPRISES NATURAL SLATE ON TIMBER SARKING BOARDS SUPPORTED ON TIMBER TRUSSED RAFTERS.

TIMBER DOORS AND WINDOWS

EXISTING WALL / FLOORS / CEILINGS UN-INSULATED

CDM 2015 regulations

AGL has sought to minimise or remove residual risks where possible as part of the design process.

It is anticipated that other designers and contractors will co-operate to identify any potential construction hazards and to eliminate them where possible. Measures to minimise residual hazards will be reviewed on a regular basis.

This symbol highlights areas of work that require special attention during construction, or residual risks which have been identified by AGL.

AGL recommends that a utility survey to locate and expose existing services prior to works commencing on site be carried out by the Client. The locations noted on the plans are assumed and AGL cannot be liable for incorrect services locations.

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AGL ARCHITECT

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 Bannockburn
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Tel: 01786 811533. E-mail: info@aglarchitect.co.uk
 Mob: 07814 139 222 Web: www.aglarchitect.co.uk

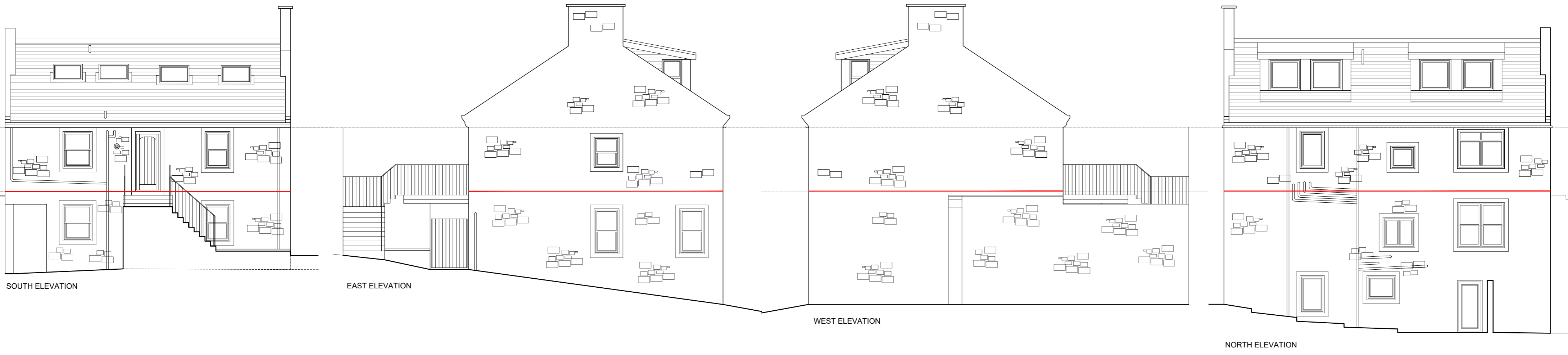
MR & MRS M FLETCHER

PROPOSED INTERNAL ALTERATIONS

4 Harbour Lane,
 South Queensferry

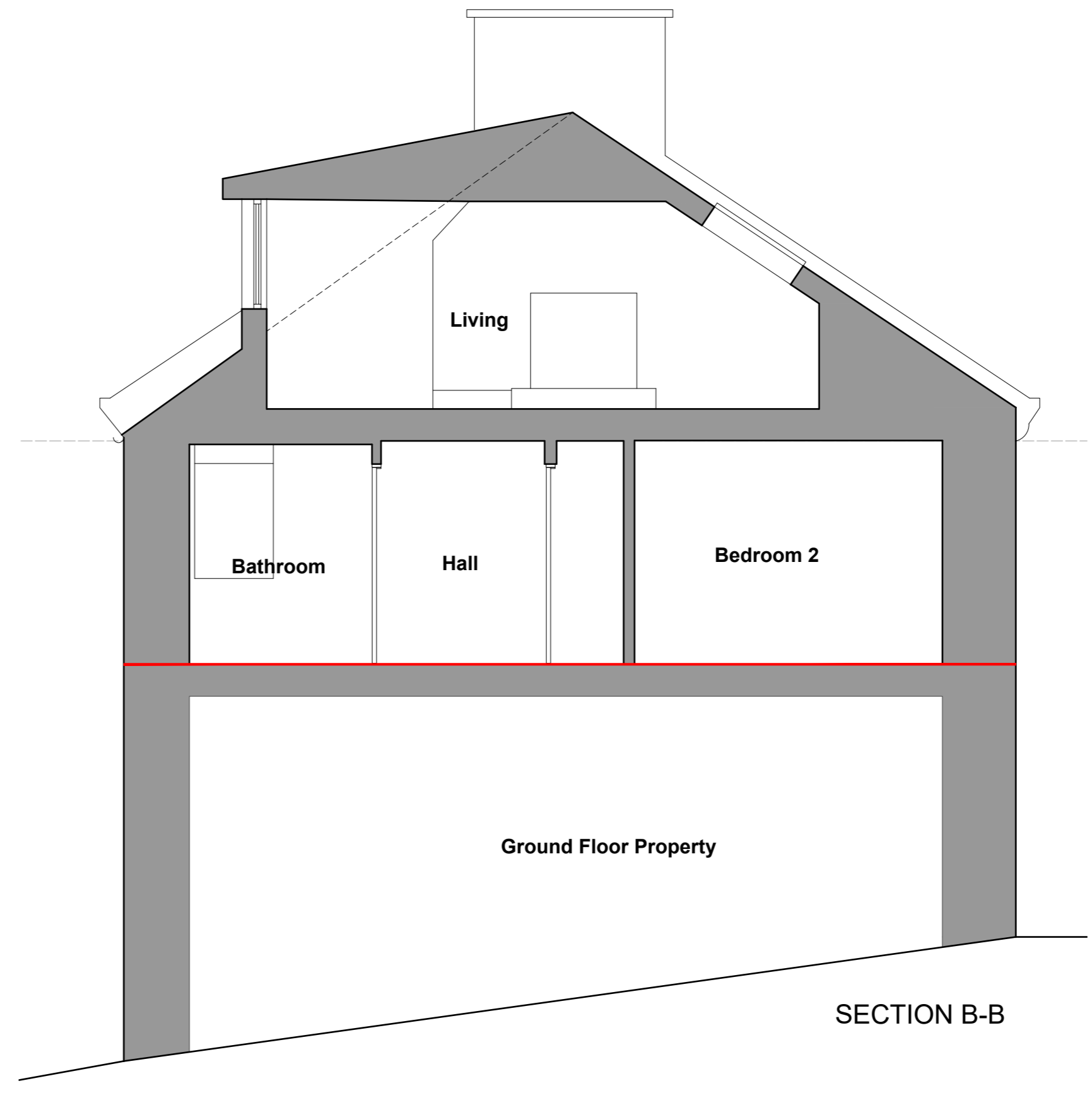
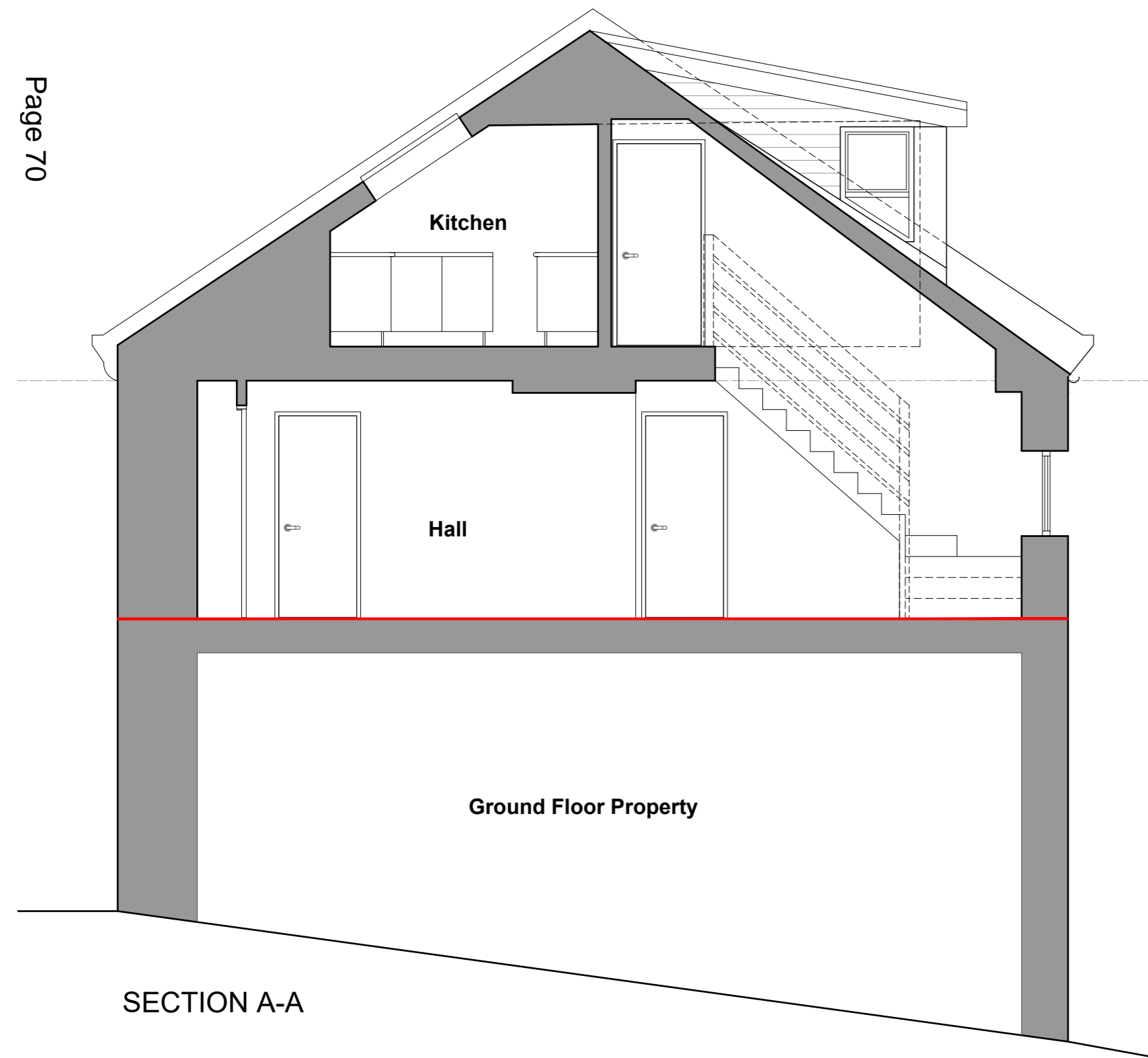
EXISTING PLANS

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CDM 2015 regulations

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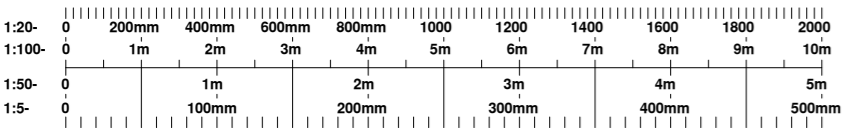
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MR & MRS M FLETCHER
 PROPOSED INTERNAL ALTERATIONS
 4 Harbour Lane,
 South Queensferry

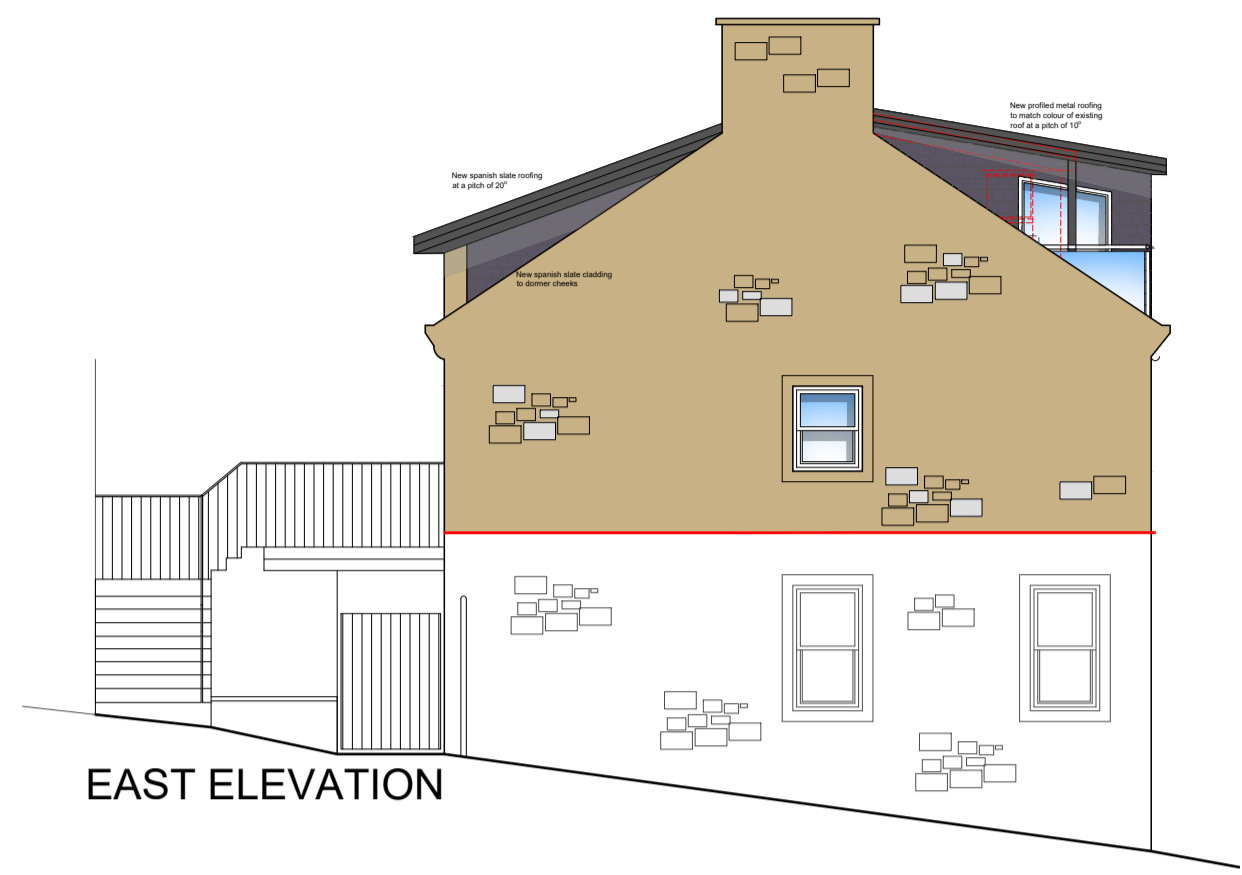
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proj no: 18-133		date: 300		REV			



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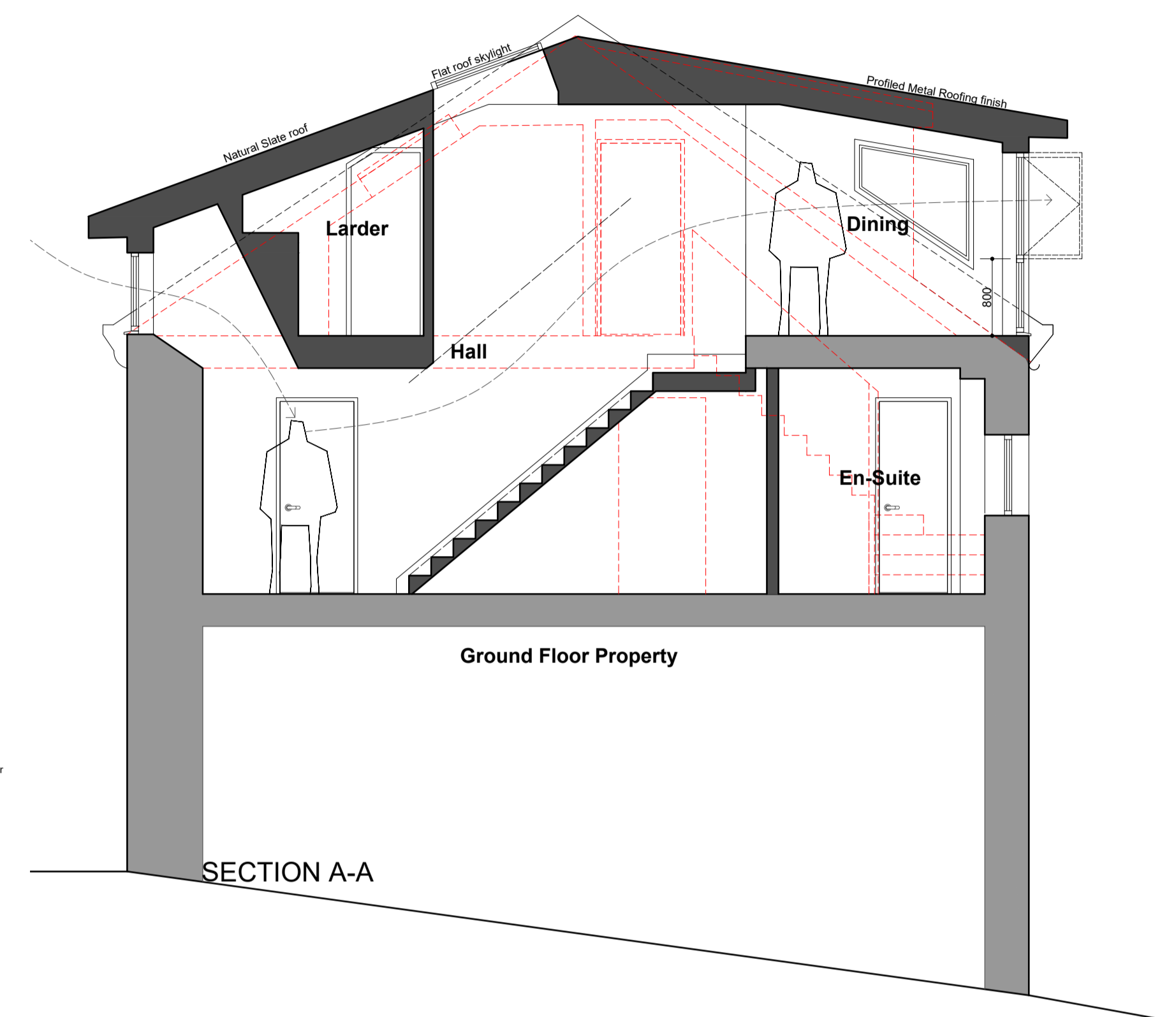
SOUTH ELEVATION



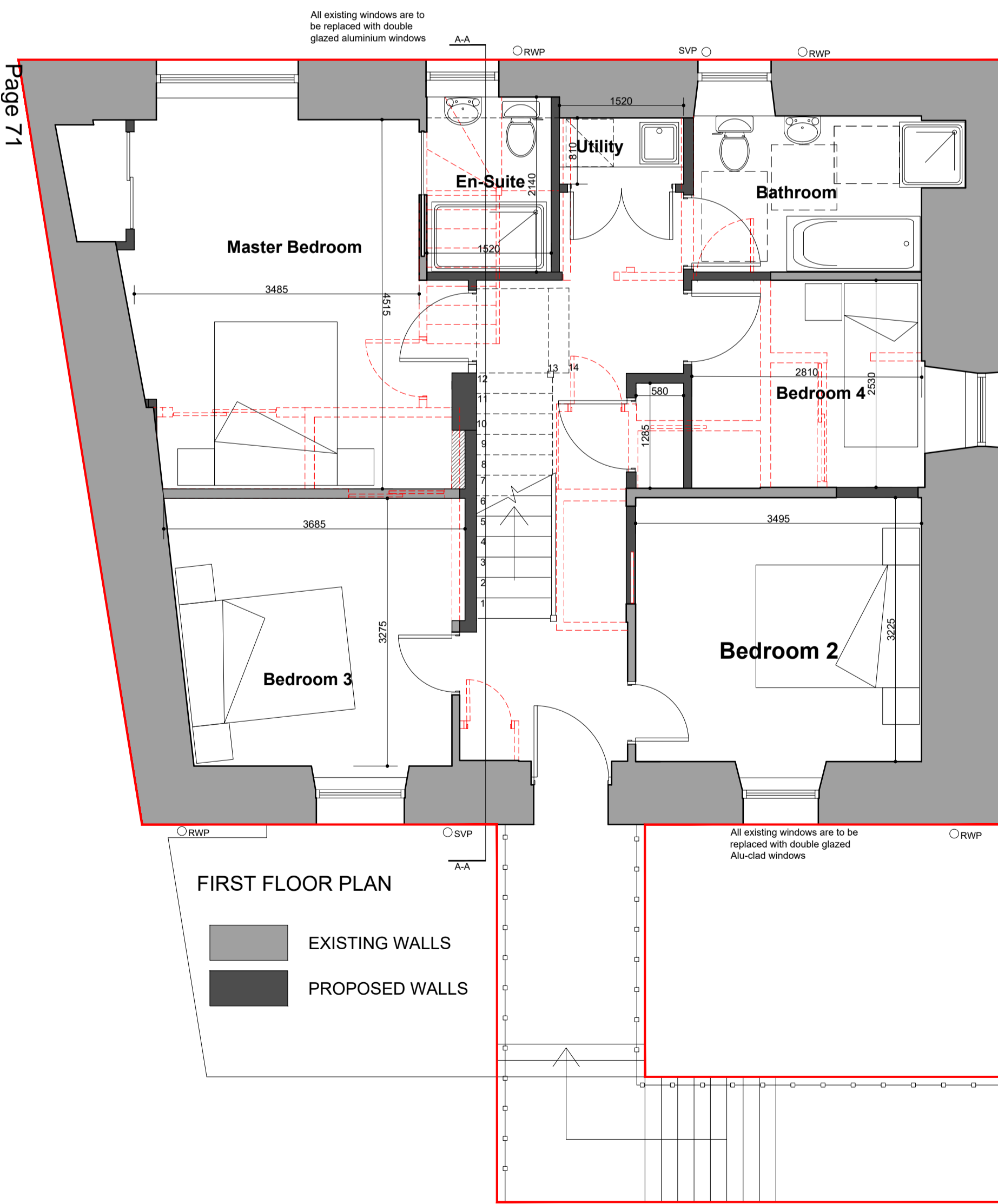
EAST ELEVATION



NORTH ELEVATION

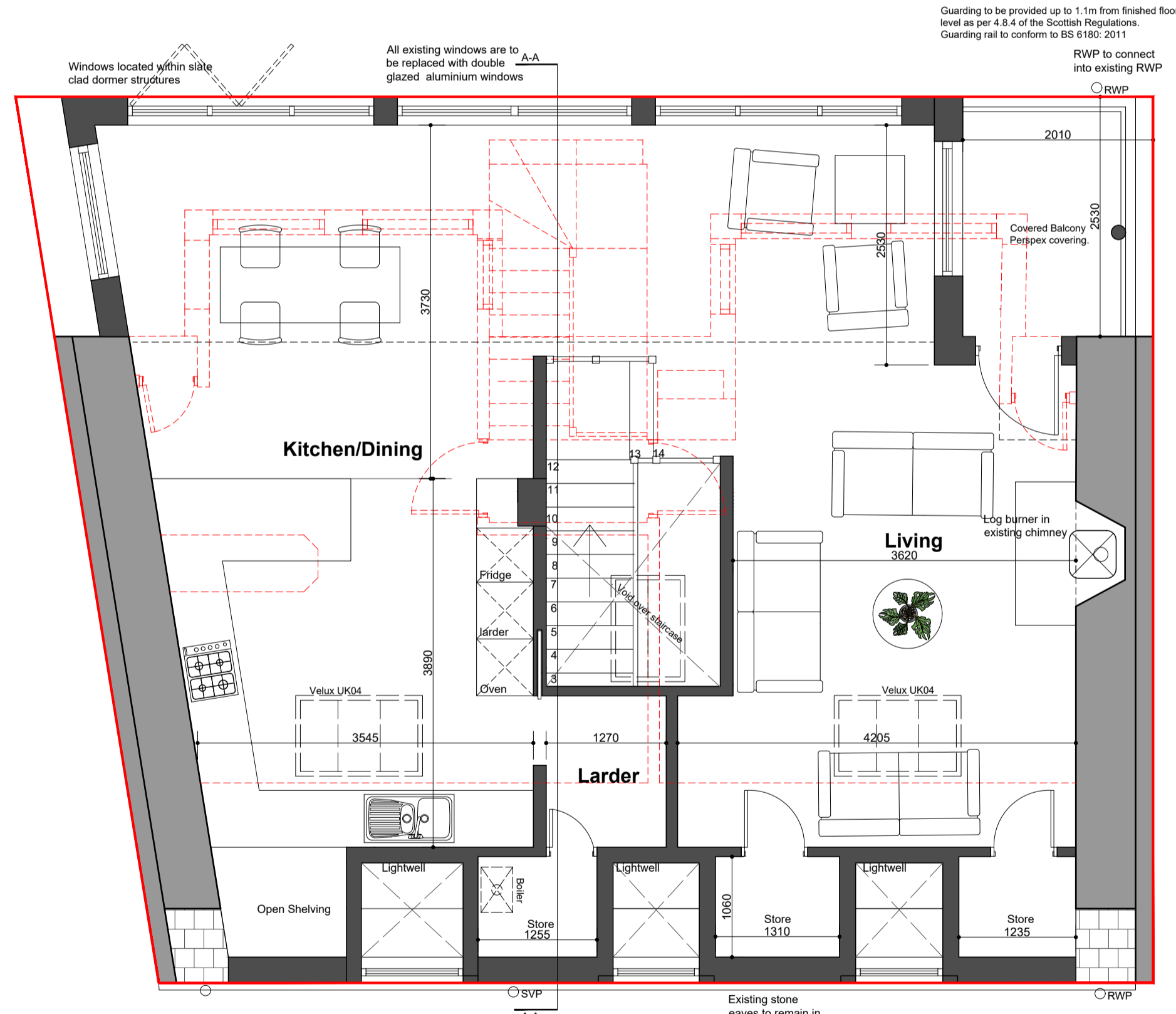


SECTION A-A



FIRST FLOOR PLAN

- EXISTING WALLS
- PROPOSED WALLS

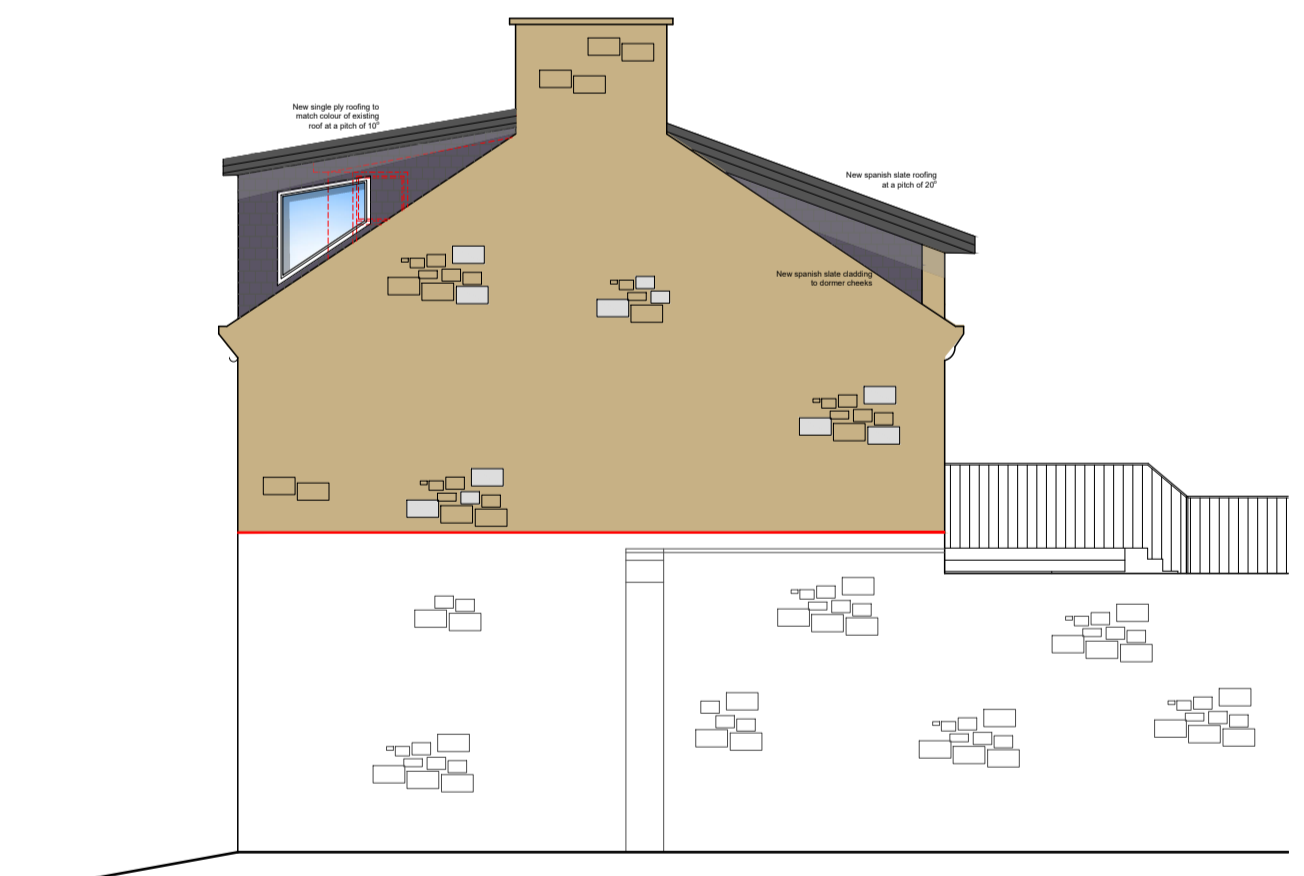


SECOND FLOOR PLAN

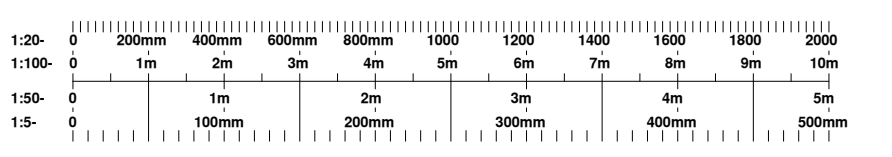
CDM 2015 regulations
 AGL has sought to minimise or remove residual risks where possible as part of the design process.
 It is anticipated that other designers and contractors will co-operate to identify any potential construction hazards and to eliminate them where possible. Measures to minimise residual hazards will be reviewed on a regular basis.
 ⚠ This symbol highlights areas of work that require special attention during construction, or residual risks which have been identified by AGL.
 ⚠ AGL recommends that a utility survey to locate and expose existing services prior to works commencing on site be carried out by the Client. The locations noted on the plans are assumed and AGL cannot be liable for incorrect services locations.

FIRST FLOOR LEGEND	AREAS
Master Bedroom	15.7m ²
Bedroom 2	11.3m ²
Bedroom 3	11m ²
Bedroom 4	7m ²
Bathroom	6.5m ²
Utility	2.6m ²
Hall	11.5m ²
En-suite	3.2m ²
GROSS INTERNAL FLOOR AREA = 60.3m²	

SECOND FLOOR LEGEND	AREAS
Kitchen/Dining	30m ²
Living	29.5m ²
Larder	3.2m ²
GROSS INTERNAL FLOOR AREA = 64m²	



WEST ELEVATION



Client: MR & MRS M FLETCHER
 Project: PROPOSED INTERNAL ALTERATIONS,
 4 HARBOUR LANE,
 SOUTH QUEENSFERRY
 SCALE 1:50 / 1:100 @A1
 Dwg no:18-133-PL-201



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Bryant & Cairns.
Fao. Neil Gourlay.
2/3 Borthwick View
Pentland Industrial Estate
Loanhead
EH20 9QH

Mr A. Murray.
13 Corstorphine House Avenue
Edinburgh
EH12 7AD

Decision date: 29 October 2021

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Remove exiting timber conservatory roof and windows from base walls and install new Chartwell Green uPVC windows and roof onto existing base walls.
At 13 Corstorphine House Avenue Edinburgh EH12 7AD

Application No: 21/04263/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 11 August 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

1. The proposed uPVC windows are not a traditional feature of the Corstorphine Conservation Area and would not preserve either its character or appearance. The application for development is not in accordance with the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development).

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The application for development is not in accordance with the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development). It is not compatible with the existing building and does not preserve the special character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Jane Iannarelli directly at jane.iannarelli@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission

13 Corstorphine House Avenue, Edinburgh, EH12 7AD

Proposal: Remove existing timber conservatory roof and windows from base walls and install new Chartwell Green uPVC windows and roof onto existing base walls.

Item – Local Delegated Decision

Application Number – 21/04263/FUL

Ward – B06 - Corstorphine/Murrayfield

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The application for development is not in accordance with the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development). It is not compatible with the existing building and does not preserve the special character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The property is a semi detached dwelling located on the north side of Corstorphine House Avenue. The property bounds Kirk Loan to the west.

The site is located within the Corstorphine Conservation Area.

Description Of The Proposal

The proposal is seeking planning permission to replace the existing timber conservatory roof and windows with Green uPVC windows and roof. The existing conservatory base will remain.

Relevant Site History

19/04671/FUL

Demolish existing garage including cracked concrete floor and leaking asbestos roof sheets. Erect new garage.

Granted

27 November 2019

17/00988/FUL

Erection of aluminium framed greenhouse attached to existing building.

Granted

25 April 2017

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 20 August 2021

Date of Advertisement: 27 August 2021

Date of Site Notice: 27 August 2021

Number of Contributors: 0

Section B - Assessment

Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

Assessment

To address these determining issues, it needs to be considered whether:

a) the proposed scale, form and design is acceptable and will not be detrimental to the conservation area;

b) the proposal will cause an unreasonable loss to neighbouring amenity;

c) any impacts on equalities or human rights are acceptable; and

d) any comments raised have been addressed.

a) Scale, form, design and the conservation area

The Corstorphine Conservation Area Character Appraisal emphasises the retention of the village character and vernacular architecture, the varied grain of the area, the retention of the informal street layout and footpath network, the consistency in the use of traditional materials, and the prevalence of residential uses.

The proposals involve replacing the windows and roof of an existing timber conservatory with a modern material that is not a part of the essential character of the conservation area. Given its historic importance and the prominence of the property within the conservation area, including frontages to both Kirk Loan and Corstorphine House Avenue, the use of uPVC in this location would adversely impact the character and appearance of the Conservation Area.

The proposals do not comply with Local Development Plan Policy Des 12, Env 6 and the non-statutory Guidance for Listed Buildings and Conservation Areas.

b) Neighbouring amenity

The proposals have been assessed against requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing and loss of daylight or sunlight.

The proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

d) Public comments

No comments were received.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposed uPVC windows are not a traditional feature of the Corstorphine Conservation Area and would not preserve either its character or appearance. The application for development is not in accordance with the Edinburgh Local

Development Plan as it does not comply with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development).

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 11 August 2021

Drawing Numbers/Scheme

01-02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jane Iannarelli, Planning Officer
E-mail: jane.iannarelli@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100493951-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Alan	Building Number:	13
Last Name: *	Murray	Address 1 (Street): *	Corstorphine House Avenue
Company/Organisation		Address 2:	
Telephone Number: *	[REDACTED]	Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH12 7AD
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

13 Corstorphine House Avenue

Northing

672835

Easting

320080

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Ref: 21/04263/FUL Replace existing timber windows and roof of conservatory with Chartwell green (to match original colour) wood grain upvc

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Firstly. Your department stated that the property is a semi detached house,when it is in fact a ground floor flat that has had many alterations over the years. I need to replace the existing conservatory as it is leaking and the timber is rotten and consider that a wood grain/painted upvc replacement would look exactly the same. I note there have been no comments from any surrounding properties as again it would,even close-up,be an identical replacement for existing, in colour and design.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

As I have explained the conservatory cannot be seen from the street and is well secluded in our large garden. Even close-up would look like an identical replacement of existing, and in fact would look much better considering the bad state of repair of the original. We are also adjacent to a 70/80's council office to the rear of the building.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/04263/FUL

What date was the application submitted to the planning authority? *

11/08/2021

What date was the decision issued by the planning authority? *

28/10/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

I have electric gates which would require to be opened to allow access but there is someone home most of the time.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Alan Murray

Declaration Date: 29/10/2021

Marc Meharry
22 Prestongrange Terrace
Prestonpans
EH32 9DG

Mr Steve Gourley.
28 Lanark Road West
Edinburgh
EH14 5JY

Decision date: 29 July 2021

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Extensions to form new bedrooms, ensuites, enhance front entrance. Attic reconfigured to form roof terrace, new bedrooms and bathroom.
At 28 Lanark Road West Edinburgh Currie EH14 5JY

Application No: 21/03239/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 14 June 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposed extension is contrary to Edinburgh Local Development Plan Policy Des 12 on extensions and alterations as its scale, form and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.
2. The proposed extension is contrary to the non-statutory Guidance for Householders as its scale, form and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-07, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Nicola Orr directly at nicola.orr@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission 21/03239/FUL
At 28 Lanark Road West, Edinburgh, Currie
Extensions to form new bedrooms, ensuites, enhance front
entrance. Attic reconfigured to form roof terrace, new
bedrooms and bathroom.**

Item	Local Delegated Decision
Application number	21/03239/FUL
Wards	B02 - Pentland Hills

Summary

Links

<u>Policies and guidance for this application</u>	LDPP, LDES12, NSG, NSHOU, NSGD02,
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Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

2.2 Site History

Main report

3.1 Description Of The Proposal

Site Description

The proposal relates to a detached one and a half storey dwellinghouse with a hipped roof. The property has an existing single storey extension on the rear elevation. The application site is located on the northern side of Lanark Road West and the surrounding area is largely residential.

Description Of The Proposal

The proposal seeks to convert the upper floor to create additional living space whilst creating a gable roof form. The proposal also includes a two storey extension on the side elevation including a new dormer window on the front elevation. An additional extension is proposed on the front elevation which includes a roof terrace on the upper floor.

3.2 Determining Issues

3.3 Assessment

To address these determining issues, it needs to be considered whether:

- a) the proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- b) the proposal will cause an unreasonable loss to neighbouring amenity;
- c) any impacts on equalities or human rights are acceptable; and

d) any comments raised have been addressed.

a) Scale, form, design and neighbourhood character

LDP Policy Des 12 seeks to ensure that alterations and extensions are compatible in design, form, and positioning with the character of the existing building and that of the surrounding neighbourhood character. In addition, the non-statutory Guidance for Householders confirms that extensions should not overwhelm or dominate the original form or appearance of the house or detract from the character of the area.

The street on which the site is located on is predominantly occupied by one and a half storey dwellings with hipped roofs and an established building line. Moving to the east of the site the building form starts to vary and the prevailing character becomes diluted.

Nonetheless, this dwelling is of the same built form of the properties to the east and therefore any development should be in keeping with the established character. The proposal seeks to introduce an extension to the front which would alter the principal elevation and in turn have a detrimental impact on the well established building line on the street. This is contrary to LDP Policy Des 12 and the non-statutory Guidance for Householders.

Furthermore, the proposed roof terrace on the front elevation is not in-keeping with the surrounding area and would be detrimental to the neighbourhood character. Therefore this element of the proposal is contrary to LDP Policy Des 12.

The non-statutory Guidance for Householders states that the pitch and form of an extension roof should match that of the existing roof. The proposal seeks to extend the upper floor and in turn would change the roof form from a hipped roof to a gable roof. The immediately surrounding properties on this street all have hipped roofs. The proposal is therefore contrary to LDP Policy Des 12 and the non-statutory Guidance for Householders.

The applicant was drawn to the aforementioned concerns but was unwilling to alter the proposed scheme.

Overall, the proposed scale, form and design is not in-keeping with the characteristics of the surrounding area. The proposed development would disrupt the prevailing roof form and established building line in the surrounding area by virtue of its scale, form and design resulting in an incongruous addition to the traditional property.

b) Neighbouring amenity

The proposals have been assessed against requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing and loss of daylight or sunlight.

The proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

d) Public comments

Three objections were received and the content of which is summarised below:

- the frontage is not in-keeping with the surrounding properties - addressed in section a) above;
- the balcony has potential to overlook neighbouring properties - addressed in section b) above;
- over development - addressed in section a) above; and
- proposed roof form not in-keeping with area - addressed in section a) above.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed extension is contrary to Edinburgh Local Development Plan Policy Des 12 on extensions and alterations as its scale, form and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.
2. The proposed extension is contrary to the non-statutory Guidance for Householders as its scale, form and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.

Risk, Policy, compliance and governance impact

4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

5.1 The equalities impact has been assessed as follows:

Consultation and engagement

6.1 Pre-Application Process

6.2 Publicity summary of representations and Community Council comments

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development Plan Provision

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

Date registered

14 June 2021

Drawing numbers/Scheme

01-07,

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Nicola Orr, Planning Officer
E-mail: nicola.orr@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

Consultations

END

Comments for Planning Application 21/03239/FUL

Application Summary

Application Number: 21/03239/FUL

Address: 28 Lanark Road West Edinburgh Currie EH14 5JY

Proposal: Extensions to form new bedrooms, ensuites, enhance front entrance. Attic reconfigured to form roof terrace, new bedrooms and bathroom.

Case Officer: Householder Team

Customer Details

Name: Mr Isobel Webber

Address: 56 Thomson Drive Currie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We would like to object to this application due to frontage not being in keeping with the surrounding properties, the balcony potential over looking neighbours properties and over development of this property.

There already appears to be an on-going conversion of an existing garage that hasn't had Planning permission that needs to be taken into account when processing this application.

Comments for Planning Application 21/03239/FUL

Application Summary

Application Number: 21/03239/FUL

Address: 28 Lanark Road West Edinburgh Currie EH14 5JY

Proposal: Extensions to form new bedrooms, ensuites, enhance front entrance. Attic reconfigured to form roof terrace, new bedrooms and bathroom.

Case Officer: Householder Team

Customer Details

Name: Mr Archie Clark

Address: 33 Lanark Road West Currie Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: For the attention of the Householder Team

Dear Sir

The Town and Country Planning (Scotland) Acts

21/03239/FUL - Extensions to form new bedrooms, ensuites, enhance front entrance. Attic reconfigured to form roof terrace, new bedrooms and bathroom at 28 Lanark Road West, Currie, Edinburgh EH14 5JY.

I wish to object to the above application. The grounds for my objection are as below.

- 1) Amenity - the majority of the houses on the north side of Lanark Road West in this area have sloping tiled roofs to the north, south, east and west. The application proposes to replace the characteristic gable pitches with vertical gables. That should not be permitted.
- 2) It is proposed to replace the bay window on the front elevation with a squared-off arrangement to enable a "terrace" to be built over. Again, that would be out of character with the adjacent bungalows and would be unacceptable.
- 3) The purpose of the "terrace" is unclear and as it could affect the privacy of neighbours, should be removed. A dormer window (as exists) would serve to light the interior.
- 4) The "double height space over the entrance" is a peculiar device not suited to a building of this character and should not be built.

For the above reasons, I request that this application be refused.

While writing, I note that there appears to have been no application for any extensions to the

property over the past 30 years yet there is a substantial rear extension with a high pitched roof attached to the back of the house and what appears to be a very large garden office, not a replacement garage, currently being built. Also I would have thought the high electronically-operated gates on the road frontage, which conceal the amount of work at the rear of the premises, might have been the subject of a planning application. Are these works covered as permitted development or by Edinburgh's current policies on Villa Areas & the Grounds of Villas? Perhaps you could check whether all the necessary applications have been applied for.

I should be grateful if you would advise me of any further drawings submitted for this property before the application is considered.

In compliance with data protection legislation, please do not place this letter on the portal till the application has been decided.

Comments for Planning Application 21/03239/FUL

Application Summary

Application Number: 21/03239/FUL

Address: 28 Lanark Road West Edinburgh Currie EH14 5JY

Proposal: Extensions to form new bedrooms, ensuites, enhance front entrance. Attic reconfigured to form roof terrace, new bedrooms and bathroom.

Case Officer: Householder Team

Customer Details

Name: Mrs Eleanor Trotter

Address: 30 Lanark Road West Currie

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. A building of this structure would be totally out of character of this area. On the continuous stretch from Muirwood Road to Bryce Road, North side, there are approximately 40 bungalows either semi or detached (apart from one block of 4 houses next to No.28). All are visibly traditional.

2. The proposal to extend the front of the house and build a roof terrace into the attic space with or without glass side panels would invade my privacy.

I would also like to mention that your closing date for objections on your portal is today, 5th July. Your planning application notification to me is dated 17th June and states I have 21 days to object, in my calculations that makes closing date the 7th.

The plans you submitted of the house do not appear to be correct. There is a substantial outbuilding in the garden replacing a garage.

Finally I would like you to ensure that my personal details are not made public.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100491126-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Marc"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Meharry"/>	Building Number:	<input type="text" value="22"/>
Telephone Number: *	<input type="text" value="07955536650"/>	Address 1 (Street): *	<input type="text" value="Prestongrange Terrace"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Prestonpans"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH32 9DG"/>
Email Address: *	<input type="text" value="marc.meharry@springfield.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="STEVEN"/>	Building Number:	<input type="text" value="28"/>
Last Name: *	<input type="text" value="GOURLEY"/>	Address 1 (Street): *	<input type="text" value="LANARK ROAD WEST"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="CURRIE"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="EDINBURGH"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text" value="██████████"/>	Postcode: *	<input type="text" value="EH14 5JY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="28 LANARK ROAD WEST"/>
Address 2:	<input type="text" value="CURRIEHILL"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="CURRIE"/>
Post Code:	<input type="text" value="EH14 5JY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="668256"/>	Easting	<input type="text" value="319160"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Extensions to form new bedrooms, ensuites, enhance front entrance. Attic reconfigured to form roof terrace, new bedrooms and bathroom.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to enclosed appeal statement.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Attached, is a supporting document comprising the following; Notice of Review Appeal Statement; Planning decision letter; the complete planning drawings.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/03239/FUL

What date was the application submitted to the planning authority? *

14/06/2021

What date was the decision issued by the planning authority? *

29/07/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Marc Meharry

Declaration Date: 27/10/2021

Description of Proposals:

Extensions to form new bedrooms, ensuites, enhance front entrance. Attic reconfigured to form roof terrace, new bedrooms and bathroom, at 28 Lanark Road West Edinburgh Currie EH14 5JY.

The Planning application for the above proposals, ref 21/03239/FUL, was refused by City of Edinburgh Council on the 29th July 2021 for the following reasons;

Reasons for Refusal:-

- 1) *The proposed extension is contrary to Edinburgh Local Development Plan Policy Des 12 on extensions and alterations as its scale, form and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.*
- 2) *The proposed extension is contrary to the non-statutory Guidance for Householders as its scale, form and position would appear incongruous in this context and adversely impact on the.*



#1.1. Current view from street towards existing bungalow.

Determining Issues from the Report of Handling.

To address these determining issues, it needs to be considered whether:

- a) *the proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;*

Proposed Front Extension

The proposal to extend to the front of the property is deemed by the Planning officer to have a *'detrimental impact on the well-established building line on the street'*.

Some of the one and half storey bungalows to the west currently have projected frontages some 1.3m beyond the main build line, example photograph #2.1. This repeated projection does not appear to be out of character, and it could be argued that it helps vary and compliment the main build form.

The proposed front extension to the site follows a similar depth, in fact it is slightly shallower at only 1.12m. Therefore we disagree that the existing build line on the street would be comprised to the point that it would have a detrimental impact or detract from the overall character.



#2.1 Occurring front projections to existing street.

Proposed Front Roof Terrace

As part of the new roof dormer, a small (1.2m deep) roof balcony is proposed over the lounge bay window extension with the design harmoniously integrating with the proposed extension which forms the new front entrance door. The Planning officer deemed it *'not-in-keeping with the surrounding area and would be detrimental to the neighbourhood character'*. This element of the design was a client aspiration as it would take advantage of the beautiful views out over the Pentland Hills, and it helps integrate and offer a high quality contemporary addition to the existing house. A good example of front terrace can be seen in photograph #3.1. It was acknowledged by the Planning officer that the proposals would have no unreasonable loss to neighbouring amenity.

During the application it was offered to the Planning officer to delete this part of the proposal which would have resulted in the proposals changing to a dormer window. This was never acknowledged therefore there was no opportunity to address this particular concern.



#3.1 Front Roof Balcony at Hillpark Ave, Edinburgh

Proposed Roof Form

It is acknowledged by the Planning officer that the character and build form does vary along the street. This can be seen from photographs 4.1, 4.2 and 4.3. Further, there is a stone façade cottage on the opposite side of the street where there are no hipped roofs, only gables. The relatively new flatted development which sits only 130m to the east, has a mansard roof. To the west, it is predominantly hipped roofs, however this site sits at the pivot point between varying architectural forms, therefore its unlikely that any change in the roof form would have any impact on the surrounding character.

Further, the non-statutory Guidance for Householders specifically states gable end extensions will be considered should it *'fit in with the character of the area, and is of a high quality innovative design'*. As aforementioned above regarding the various roof forms, the proposals would not seem out of sorts with the surrounding character, and the overall architectural design integrates harmoniously as one design to provide a well-balanced front elevation whilst offering an interesting and contemporary projection, finished in high quality materials, to compliment the main body of the house.

This cohesive design aims to avoid the typical approach of adding side dormer extensions (photograph # 4.4 and 4.5), or awkward box additions to the side of front facing dormers (photograph #4.6).



#4.1. No.30, immediate neighbour to the west



#4.2. No.22-26, immediate neighbours to the east. (cottage flats).



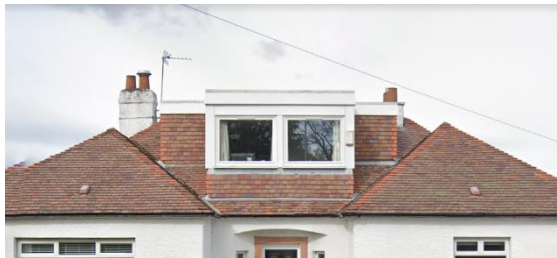
#4.3. No.20, two properties to the east (gabled roof).



#4.4



#4.5



#4.6

Furthermore, it our opinion that the Policy Des 12 and the Non-statutory Guidance for Householders are not applied consistently by CEC, which we believe is the correct approach as every proposal should be assessed on their own merit. However the fact that the proposals project forward from the main build line, it would appear that this weighs heavily in determining the application.

This cannot be said for recent applications which CEC have granted permission. Links to planning portal below:

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PCPXSSSEWGKV00>

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QV8WTLEWJQ600>

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QRWJIIEWIJ400>

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QTAJJJEWMADI00>

Page 108

In summary the proposed scale, form, and design would not detract but rather enhance the existing street scene by forming an interesting innovative and harmonious design as opposed to forming defragmented bolt-on additions to an existing house in order to potentially satisfy the criteria set out within any guidance, which I think in some way stifles creative architecture. Overall the proposals are not dominant or disproportionate, nor would they be an incongruous feature which would harm the building or character of the area.

Further support imagery on subsequent pages.



Page 109

#5.1 existing front elevation of the property.



Page 110

#5.2 sketch 3D visual of proposals looking east.

Marc Meharry
22 Prestongrange Terrace
Prestonpans
EH32 9DG

Mr Steve Gourley.
28 Lanark Road West
Edinburgh
EH14 5JY

Decision date: 29 July 2021

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Extensions to form new bedrooms, ensuites, enhance front entrance. Attic reconfigured to form roof terrace, new bedrooms and bathroom.
At 28 Lanark Road West Edinburgh Currie EH14 5JY

Application No: 21/03239/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 14 June 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposed extension is contrary to Edinburgh Local Development Plan Policy Des 12 on extensions and alterations as its scale, form and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.
2. The proposed extension is contrary to the non-statutory Guidance for Householders as its scale, form and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-07, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Nicola Orr directly at nicola.orr@edinburgh.gov.uk.

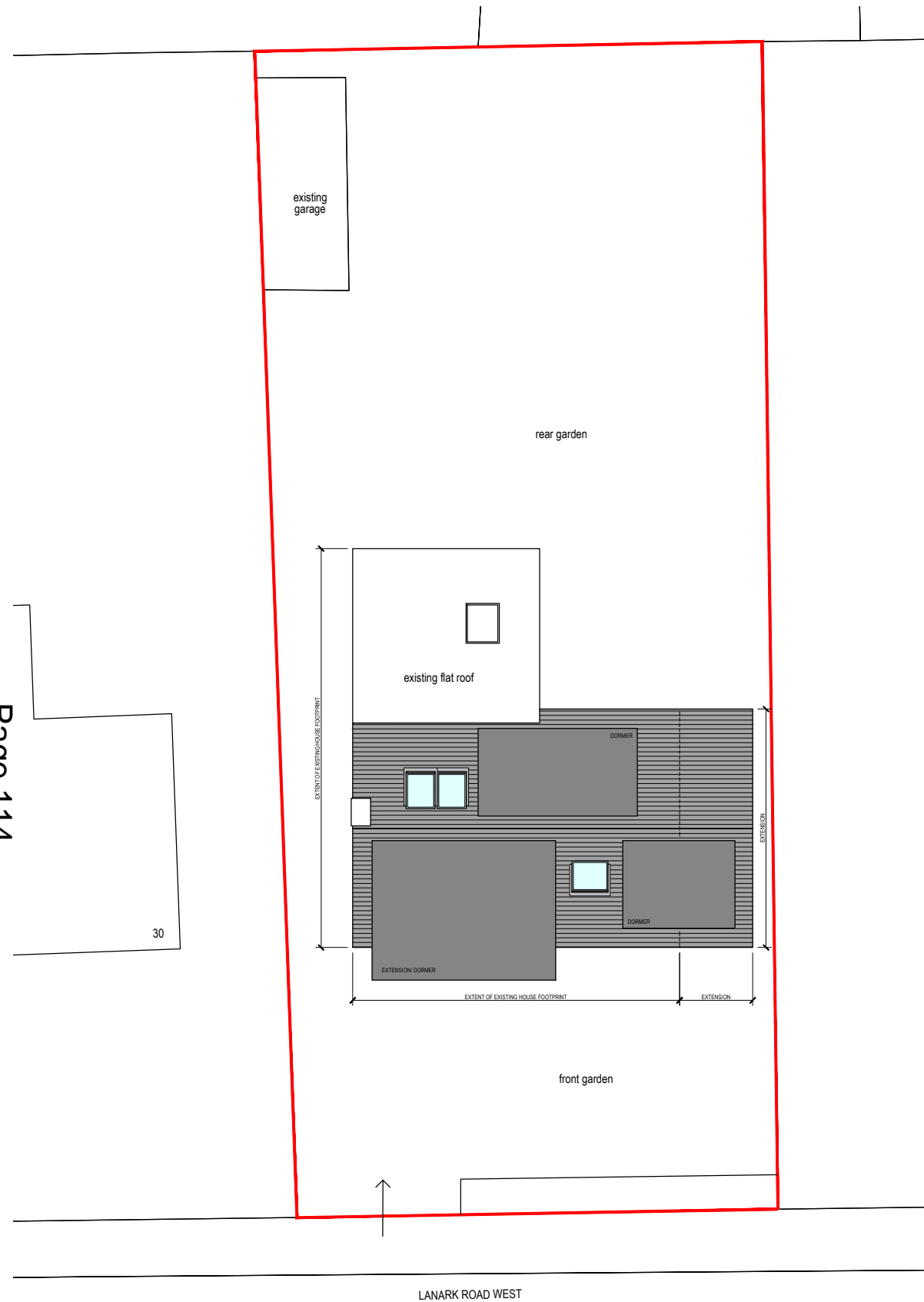


Chief Planning Officer
PLACE
The City of Edinburgh Council

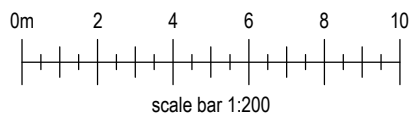
NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

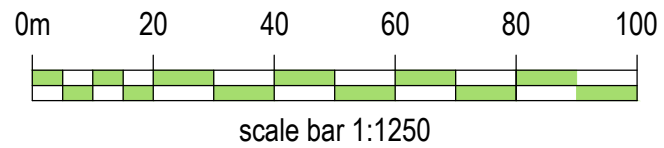
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



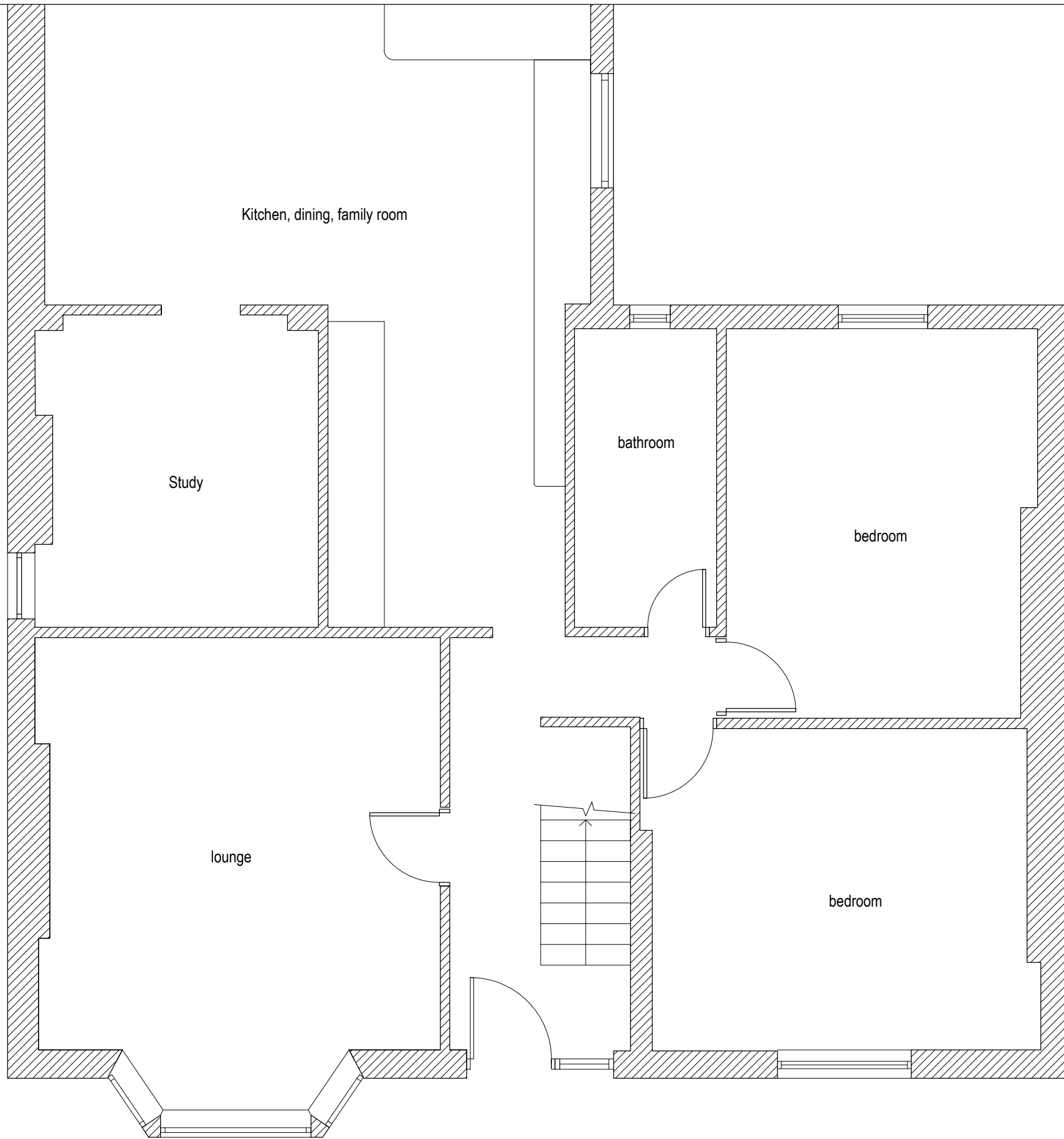
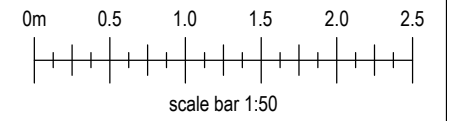
Site Plan 1:200
 — Boundary



Location 1:1250
 — Boundary



Rev.	Date	Remarks
Project 28 Lanark Road West, Edinburgh Extension and internal alterations		
Client Steven and Carol Gourlay		
Drawing Location and Site Plans		
Drawing No 199-01	Scale 1:1250 / 200 Date June 21	Rev /



Kitchen, dining, family room

Study

bathroom

bedroom

lounge

bedroom

Existing Ground Floor Plan
1:50

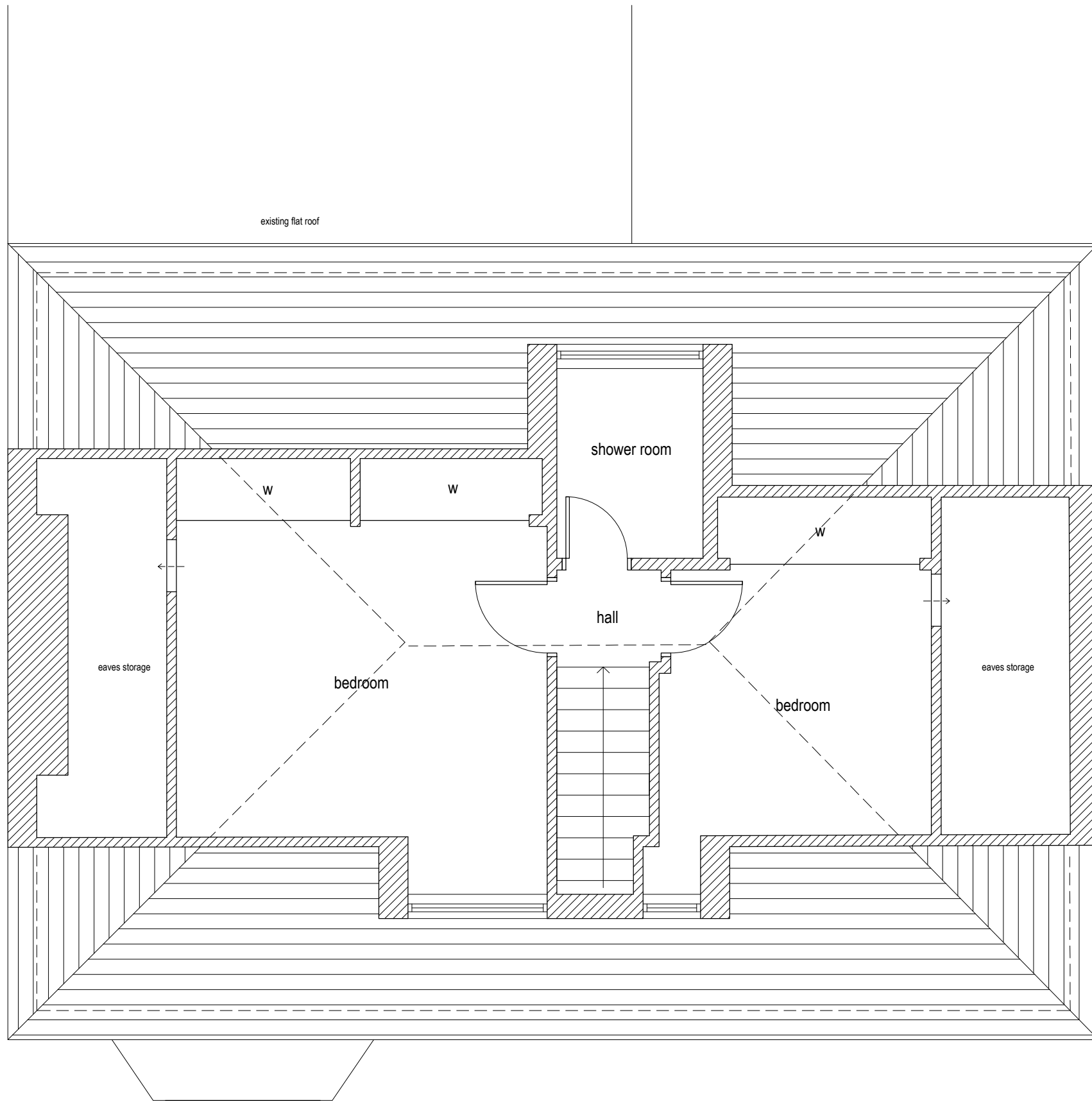
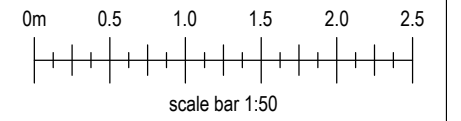
Rev.	Date	Remarks

Project
28 Lanark Road West, Edinburgh
Extension and internal alterations

Client
Steven and Carol Gourlay

Drawing
Existing Ground Floor Plan

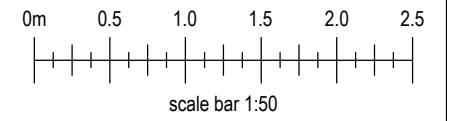
Drawing No 199-02	Scale 1:50 Date June 21	Rev /
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Existing First Floor Plan
1:50

Rev.	Date	Remarks

Project 28 Lanark Road West, Edinburgh Extension and internal alterations		
Client Steven and Carol Gourlay		
Drawing Existing First Floor Plan		
Drawing No 199-03	Scale 1:50 Date June 21	Rev /



Kitchen, dining, family room

Study

bathroom

new ensuite

1500x800 tray

new master bedroom

'his'

lounge

new stair (flipped)

dresser

'her'

1500x800 tray

bedroom

new ensuite

hall

new store

2516

1125

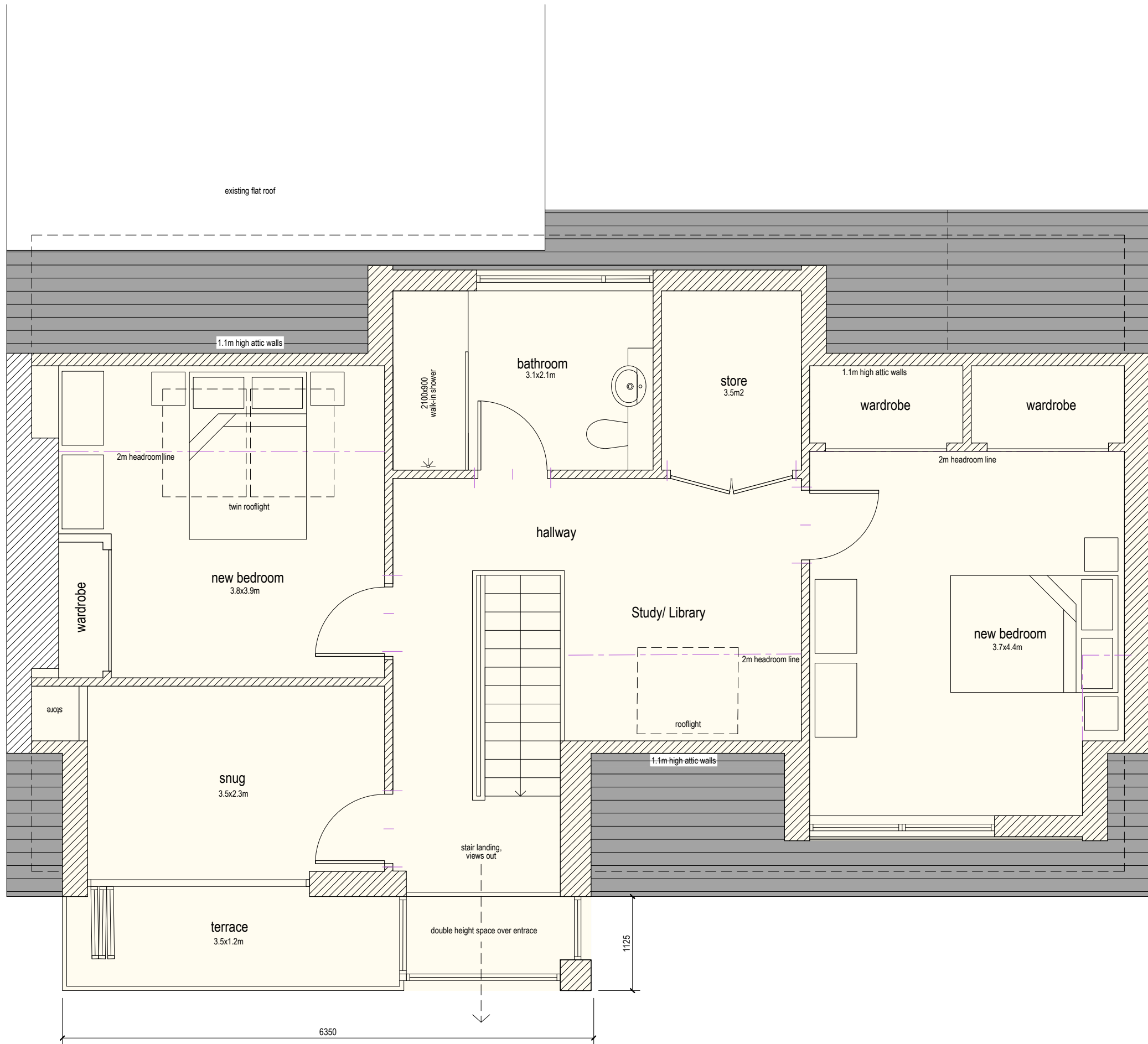
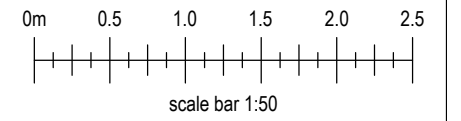
6350

8205

Rev.	Date	Remarks

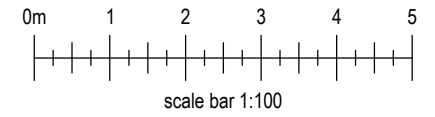
Project 28 Lanark Road West, Edinburgh Extension and internal alterations		
Client Steven and Carol Gourlay		
Drawing Proposed Ground Floor Plan		
Drawing No 199-04	Scale 1:50 Date June 21	Rev /

Proposed Ground Floor Plan
1:50

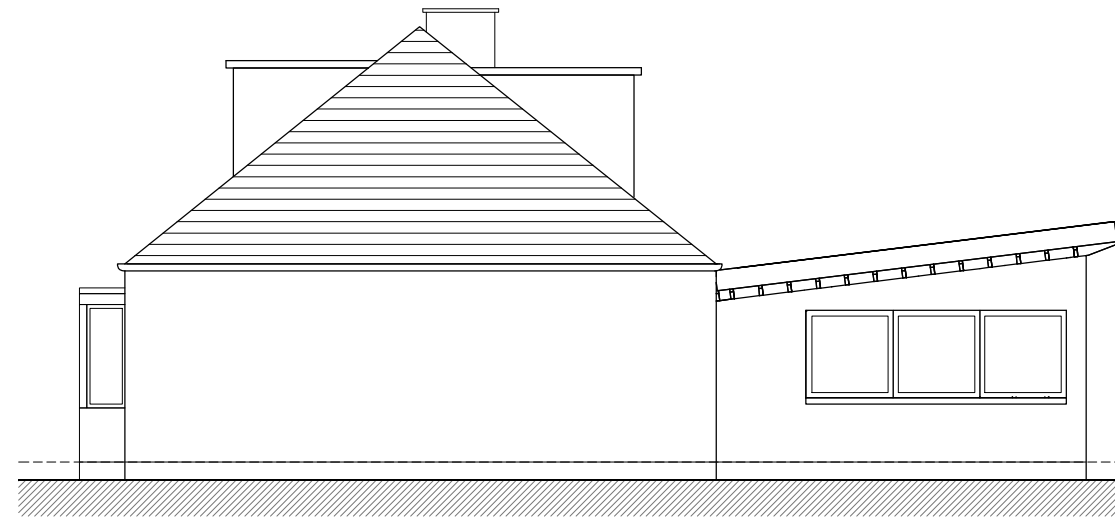


Proposed First Floor Plan
1:50

Rev.	Date	Remarks
Project 28 Lanark Road West, Edinburgh Extension and internal alterations		
Client Steven and Carol Gourlay		
Drawing Proposed First Floor Plan		
Drawing No 199-05		Scale 1:50 Date June 21
		Rev /



Front Elevation (South/ East)

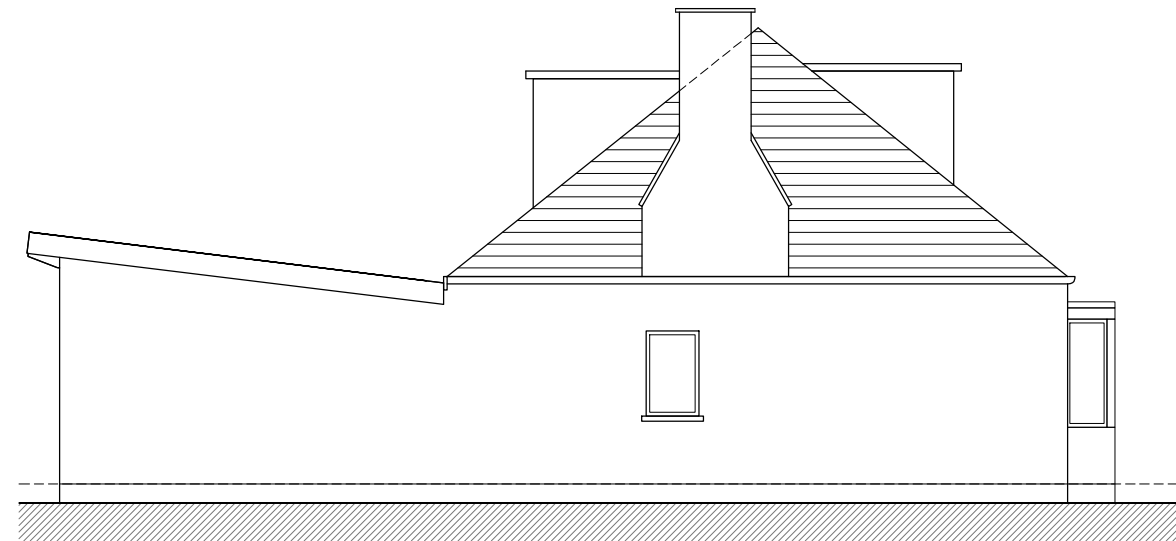


Side Elevation (North/ East)

Existing Elevations
1: 100



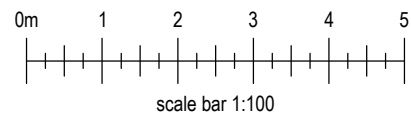
Rear Elevation (North/ West)



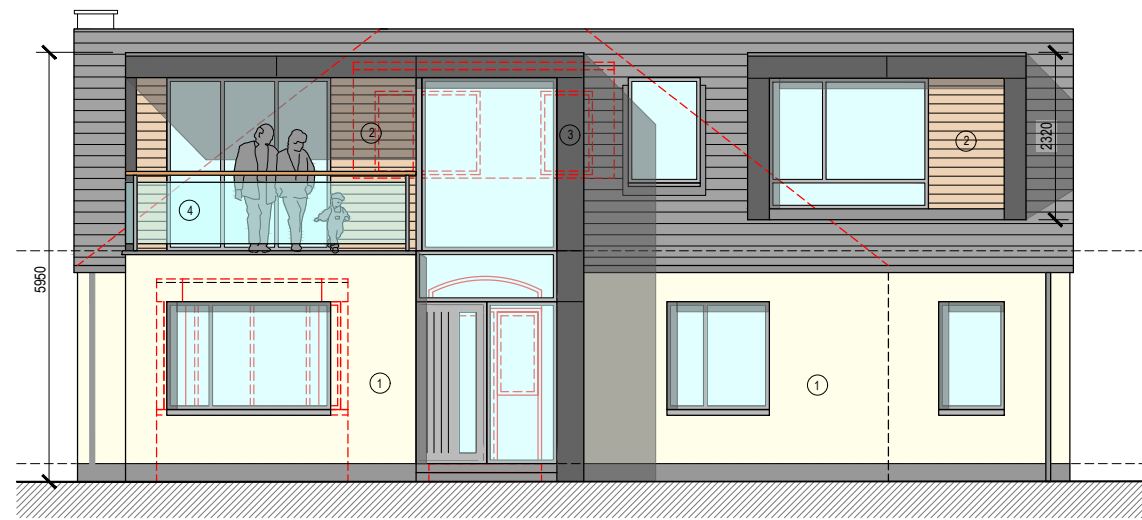
Side Elevation (South/ West)

Rev.	Date	Remarks

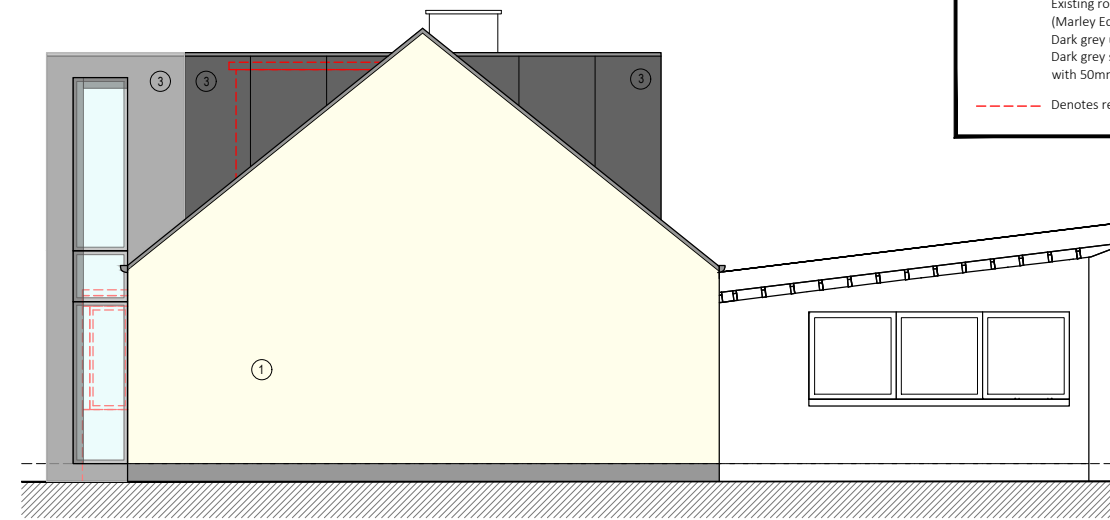
Project 28 Lanark Road West, Edinburgh Extension and internal alterations	
Client Steven and Carol Gourlay	
Drawing Existing Elevations	
Drawing No 199-06	Scale 1:100 Date June 21
Rev /	



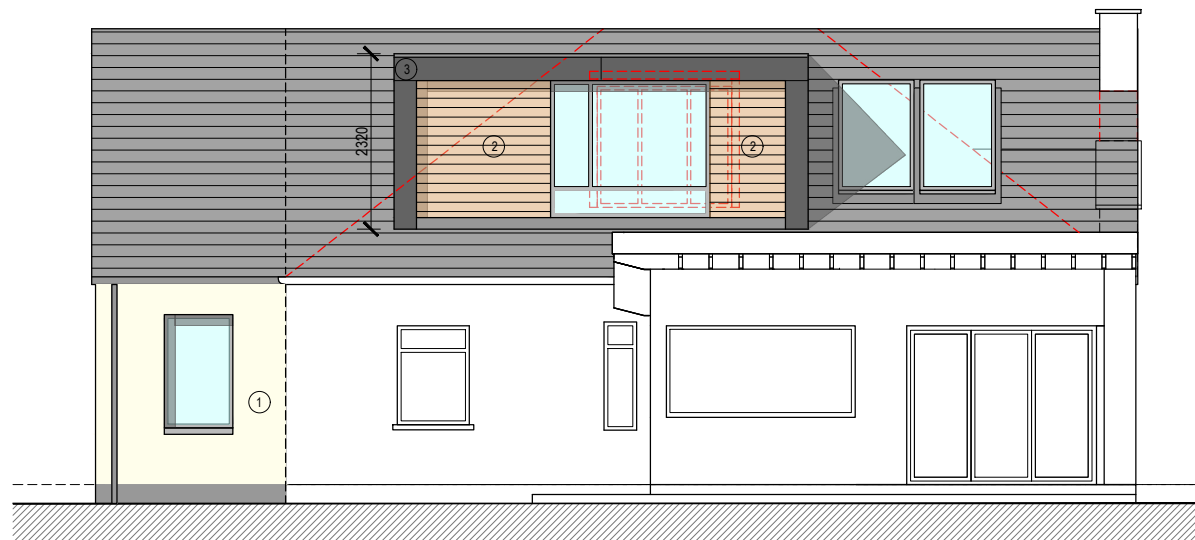
- Materials List:**
- ① Smooth white render to match existing gable and existing rear extension
 - ② Cedar t&g horizontal cladding, clear uv stain to preserve original colour
 - ③ Proprietary powder coated metal cladding panels
 - ④ Glass balustrade with cedar handrail
- General:
 Existing roof re-tiled, dark grey concrete 'slate' tiles (Marley Edgemere).
 Dark grey upvc windows and doors.
 Dark grey single ply flat roof membrane to dormer with 50mm aluminium perimeter trim.
 --- Denotes removals.



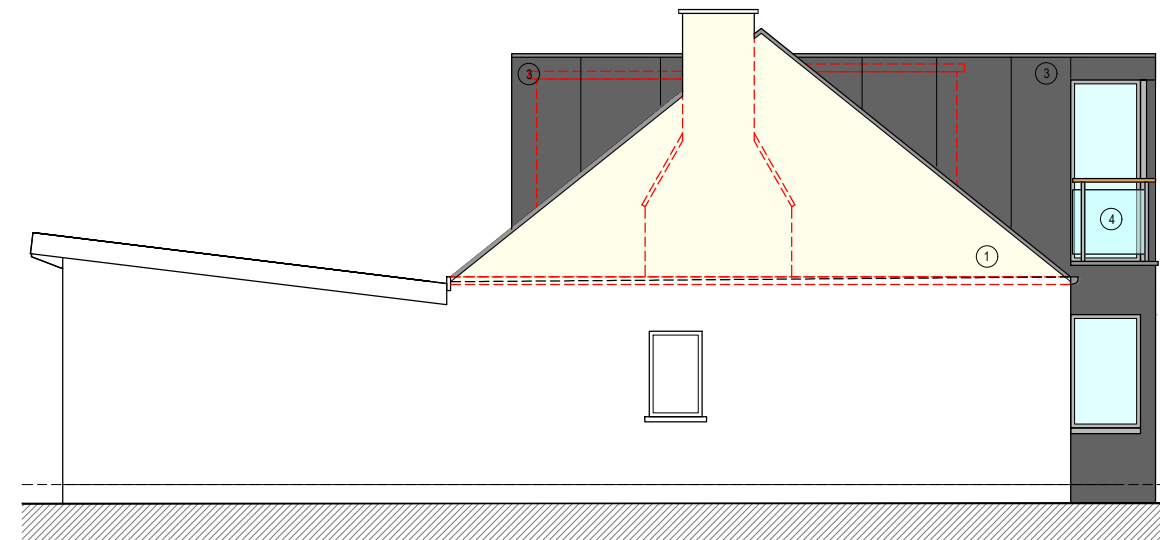
Front Elevation (South/ East)



Side Elevation (North/ East)



Rear Elevation (North/ West)



Side Elevation (South/ West)



Sketch Visuals



Rev.	Date	Remarks

Project 28 Lanark Road West, Edinburgh Extension and internal alterations	
Client Steven and Carol Gourlay	
Drawing Proposed Elevations	
Drawing No 199-07	Scale 1:100 Date June 21
Rev /	



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100456506-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Architectural Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	George	Building Name:	
Last Name: *	Young	Building Number:	17
Telephone Number: *	01314782183	Address 1 (Street): *	17 Blackford Bank
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH9 2PR
Email Address: *	george@pmas-edinburgh.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="M"/>	Building Number:	<input type="text" value="34"/>
Last Name: *	<input type="text" value="AMJAD"/>	Address 1 (Street): *	<input type="text" value="17, Blackford Bank"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="17"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH9 2PR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="34 CRAIGMILLAR CASTLE ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH16 4AR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671464"/>	Easting	<input type="text" value="328836"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

As I have not received any correspondence from Edinburgh Council I cannot give you that information. I can only give you the one I used on the drawings Form Extension

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The planning application was submitted by Scottish Government website on 16/08/2021 and the submission number is 100456506-001. I have emailed Planning support about a month ago for an update but no reply has been received. I again emailed planning support on 18/10/2021. However its well past the end date. With the agreement of my client I am instructed to submit an appeal.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Drawings Submitted Emails Scottish Gov receipt

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

no information has been sent

What date was the application submitted to the planning authority? *

16/08/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

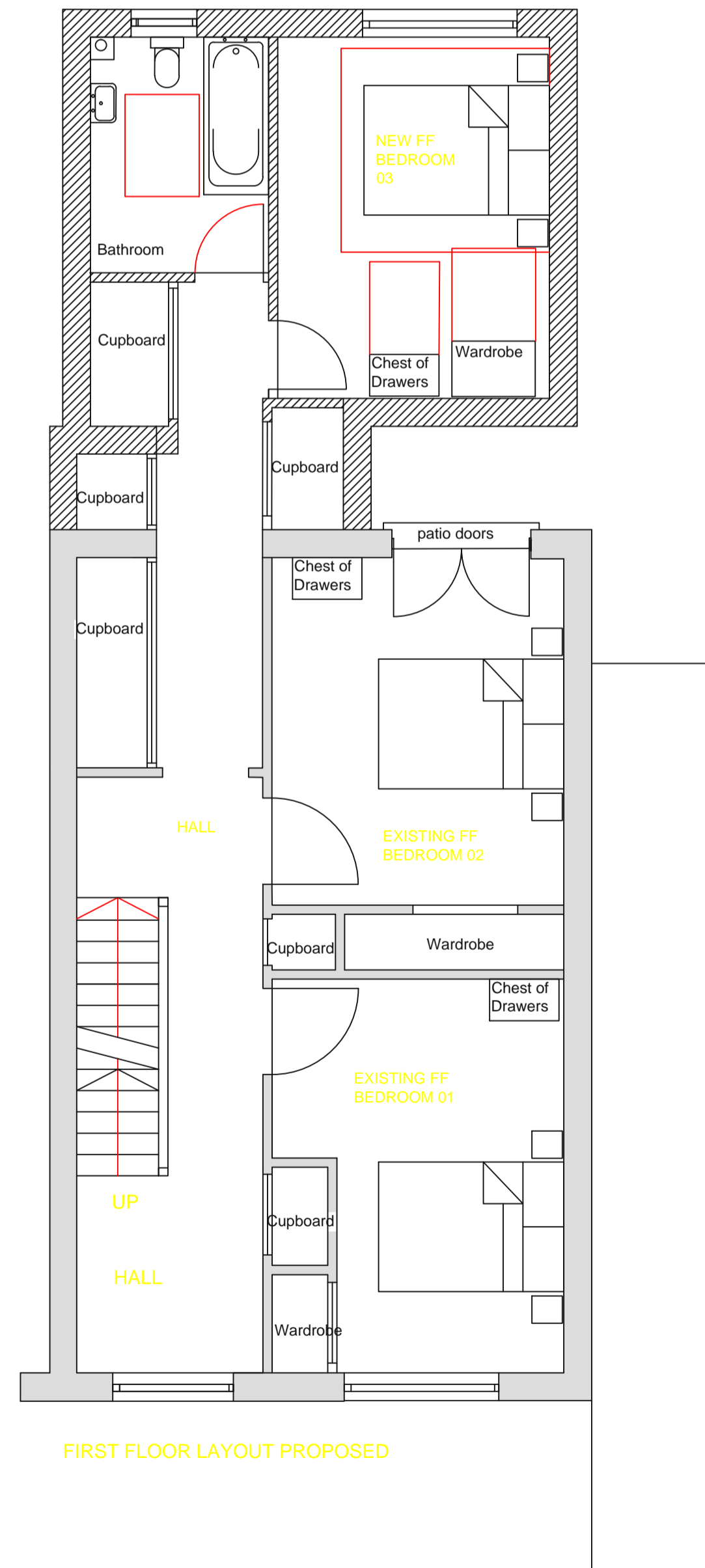
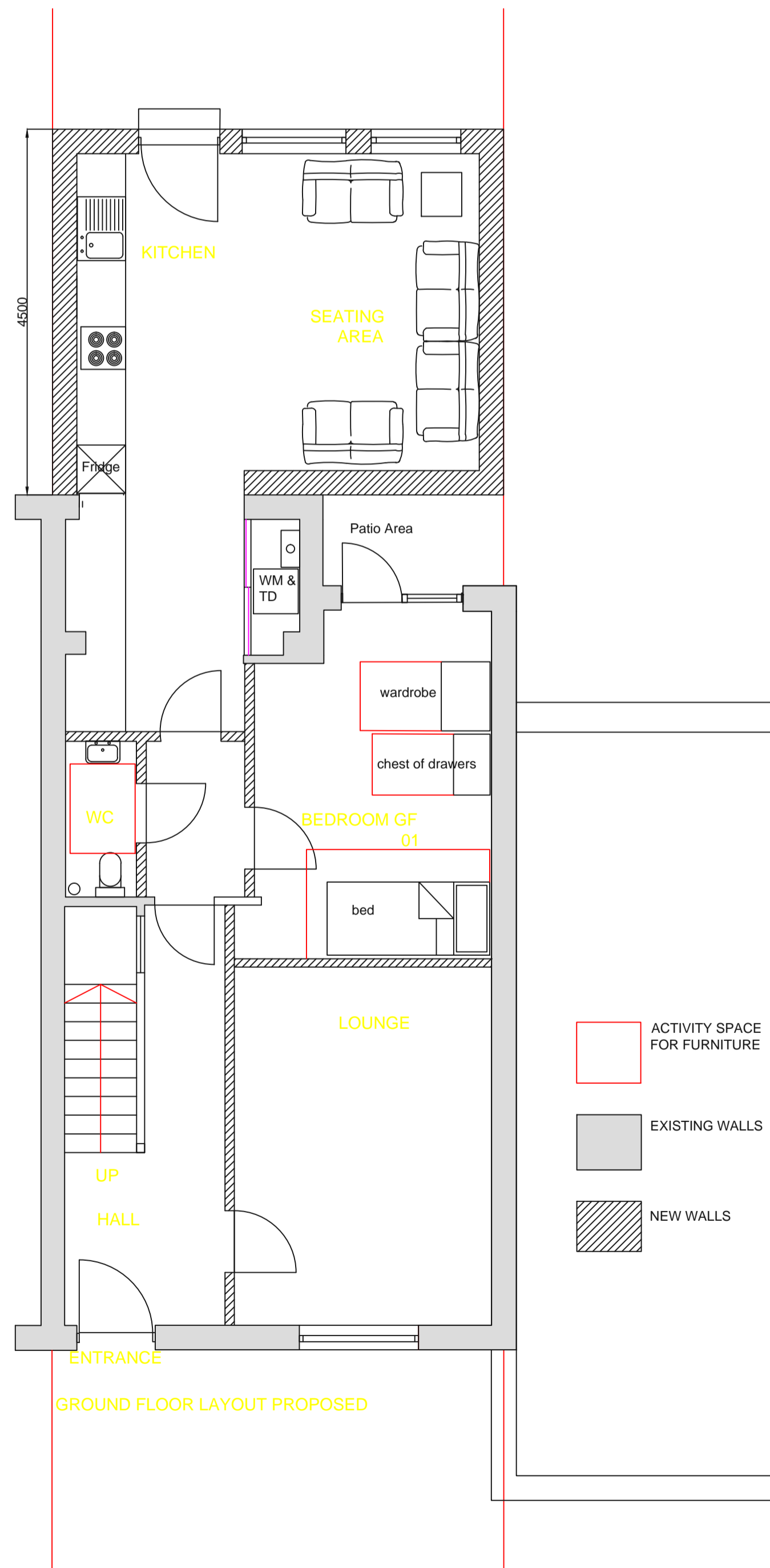
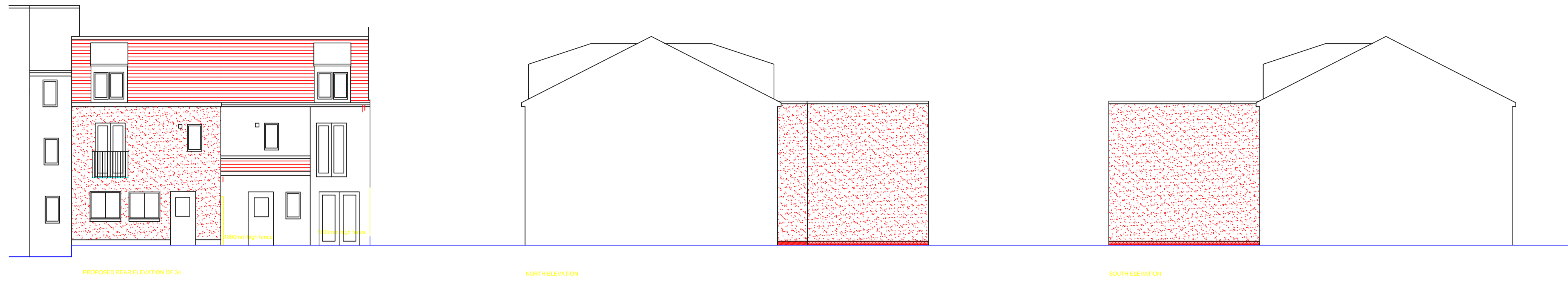
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr George Young

Declaration Date: 28/10/2021



- New Extension Formed in**
- Roof to be felt with chips.
 - Walls roughcast to match existing house walls.
 - Substructure to be facing brick to match existing.
 - Stone parapet
 - Windows and doors to be White upvc double glazed

Client Mr M AMJAD.	Date 07/08/2021	ARCHITECTURAL SERVICES Planning & Property Consultants, 17 Blackford Bank, Edinburgh EH9-2PR Tel: 0131 478 2182 E Mail: info@pmas-edinburgh.co.uk © Copyright of PMAS Ltd
Project Form Rear Extension	Scale 1/100 & 1/50 @ A1	
Address 34 Craigmillar Castle Road Edinburgh EH16 4AR	Dwg No 21/08/BW/001	
	Rev.	

George Young

From: [REDACTED]
Sent: 18 October 2021 11:32
To: planning.support@edinburgh.gov.uk
Cc: george; essarenaltd@hotmail.com
Subject: 34 Craigmillar Castle Road Edinburgh

I refer to the planning application submitted to Edinburgh on 16/08/2021. Scot Gov reference no 100456506-001.

By my calculation a decision should have been with me on 16/09/2021.
Can someone look into this and inform me of the situation regarding planning consent.

Regards

George Young
Director
Architectural Services
17 Blackford Bank, Edinburgh, EH9 2PR
[REDACTED]

Online Reference **100456506-001**

Title **Edinburgh 34 Craigmillar Castle Rd**

Authority Name **City of Edinburgh Council**

Authority Address **Business Centre G.2 Waverley Court 4 East Market Street
Edinburgh EH8 8BG**

Authority Telephone

Authority Fax

Authority Email Address planning.support@edinburgh.gov.uk

Agent Name **George Young**

Applicant Name **M Amjad**

Location **34 CRAIGMILLAR CASTLE ROAD, EDINBURGH, EH16 4AR**

Date Submitted **16/08/2021**

Location Plan

Name Type Size

Location Plan	Attached	372.0 Kb
---------------	----------	----------

Attachments

Name Type Size

Elevation and Plans	Attached	200.7 Kb
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Fees

Cost - 202.00

General Data Protection Regulation states in Article 5(1)(e) that "Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be

George Young

From: noreply@scot.gov.uk
Sent: 16 August 2021 20:48
To: [REDACTED]
Subject: 100456506-001 has been received

100456506-001 has been received

ePlanning Scotland Reference: 100456506-001

Dear George Young,

Your application/appeal has been successfully submitted using ePlanning.scot. Please be aware that your planning application will be deleted from our database (Not the Council's database) 90 days after submission so that you may wish to save a copy for your own records.

Your online reference number is **100456506-001**, which you should keep a note of for your own records.

Your application will now be sent to **City of Edinburgh Council** who is responsible for processing and determining your application. If you need to contact the authority directly, please use the contact details below.

Please note that if this **submission relates to an appeal**, and you have selected this in your application, it will be forwarded to both the **Planning and Environmental Appeals Division (DPEA)** and your planning authority.

In this instance the **DPEA** will be responsible for processing and determining your appeal. You will be contacted in due course by either your planning authority or the DPEA regarding your application.

Submission Details

Mark MacKenzie.
East Lodge
Milton Bridge
Penicuik
EH26 0NX

Mr Moore
102 Gilmerton Dykes Crescent
Edinburgh
EH17 8JN

Decision date: 14 September 2021

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Erection of 2 storey extension to side of dwelling.
At 102 Gilmerton Dykes Crescent Edinburgh EH17 8JN

Application No: 21/02489/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 6 May 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reason for Refusal:-

1. The proposal will have a detrimental impact on the amenity of neighbouring residents by virtue of loss of daylight and potentially adverse overshadowing . The proposal is contrary to policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Householders.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01 - 11, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal will have a detrimental impact on the amenity of neighbouring residents by virtue of loss of daylight and potentially adverse overshadowing . The proposal is contrary to policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Householders.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact James Allanson directly at james.allanson@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission

102 Gilmerton Dykes Crescent, Edinburgh, EH17 8JN

Proposal: Erection of 2 storey extension to side of dwelling.

Item – Local Delegated Decision

Application Number – 21/02489/FUL

Ward – B16 - Liberton/Gilmerton

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The proposal will have a detrimental impact on the amenity of neighbouring residents by virtue of loss of daylight and potentially adverse overshadowing . The proposal is contrary to policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Householders.

SECTION A – Application Background

Site Description

The site is a two storey terraced dwellinghouse situated at the eastern end of a terraced row of properties on the northern side of Gilmerton Dykes Crescent. The surrounding area is predominatly residential in nature and is characterised by similar style dwellings.

Description Of The Proposal

The proposal seeks planning permission for the erection of a two storey extension adjacent to the gable elevation of the dwellinghouse.

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 12 May 2021

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

Assessment

To address these determining issues, it needs to be considered whether:

- a) the proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- b) the proposal will cause an unreasonable loss to neighbouring amenity;
- c) any impacts on equalities or human rights are acceptable; and
- d) any comments raised have been addressed.

a) Scale, form, design and neighbourhood character

The proposed extension is subordinate in scale and floor area to the main dwellinghouses. The proposed design is appropriate and will not have a detrimental impact on the character and appearance of the surrounding area.

b) Neighbouring amenity

The submitted information details that the proposal fails the 45 degree test in the Guidance for Householders in respect of the neighbouring premises to the east. The 45 degree line when drawn from both on the plan and section drawing encloses the window at ground floor level on the rear elevation of the neighbouring premises. The proposal therefore has the potential to result in a notable loss of daylight to the neighbouring premises.

Part of the extension gable wall will be sited directly adjacent to the boundary line with the neighbouring premises. The rear section of the extension gable wall varies in distance from the boundary line from 0m to 1.9m. The extension as a whole may result in 18.7 metres of the neighbouring garden ground to the east being directly overshadowed to a potentially adverse degree, with any overshadowing likely to occur in the afternoon and evening periods during springtime and summertime. The neighbouring garden has a total area of 170 square metres and therefore around 11% of the garden may be affected. While some of this overshadowing will fall on an area between the neighbouring gable and the boundary line which has limited amenity value, some overshadowing may also fall directly onto the main rear garden to the detriment of neighbouring amenity.

The proposal will have a detrimental impact on the amenity of neighbouring residents and is contrary to section (b) of LDP policy Des 12.

c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

d) Public comments

No comments were received.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal will have a detrimental impact on the amenity of neighbouring residents by virtue of loss of daylight and potentially adverse overshadowing. The proposal is contrary to policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Householders.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 6 May 2021

Drawing Numbers/Scheme

01 - 11

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Allanson, Planning Officer
E-mail: james.allanson@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100407733-008

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Mr		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	East Lodge
Last Name: *	MacKenzie	Building Number:	
Telephone Number: *	07766762001	Address 1 (Street): *	Milton Bridge
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Penicuik
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH26 0NX
Email Address: *	mwmackenzie@yahoo.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Ryan"/>	Building Number:	<input type="text" value="102"/>
Last Name: *	<input type="text" value="Moore"/>	Address 1 (Street): *	<input type="text" value="Gilmerton Dykes Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH17 8JN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="102 GILMERTON DYKES CRESCENT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH17 8JN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="668910"/>	Easting	<input type="text" value="328430"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of 2 storey extension to side of dwelling.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

What date was the application submitted to the planning authority? *

What date was the decision issued by the planning authority? *

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Mark MacKenzie

Declaration Date: 10/11/2021

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